

AMENDED IN ASSEMBLY MAY 3, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 944**

**Introduced by Assembly Member Ridley-Thomas**

February 18, 2005

---

An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 12001, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12084, 12086, and 12804 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, and to repeal and add Section 12071 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 944, as amended, Ridley-Thomas. Firearms.

Existing law generally regulates the licensing and conduct of firearms dealers.

This bill would reorganize those provisions.

Existing law requires firearms dealers to post certain warnings pertaining to firearms at their place of business.

This bill would require an additional warning regarding the dangers of firearms in the home, as specified.

Existing law authorizes the Department of Justice to determine, as specified, how certain required information pertaining to firearms transactions shall be submitted by firearms dealers to the department, and describes other documents pertaining to firearms transactions.

This bill would require all firearms sales contracts to have the warning conspicuously printed on the first page of the contract.

Existing law, subject to exceptions, generally requires persons purchasing handguns to obtain a handgun safety certificate, as

specified. Existing law authorizes the Department of Justice to develop an ~~instructional~~ *instruction* manual for purposes of obtaining the certificate, and to make the manual available to the public.

This bill would require ~~any firearms sales contracts contained in the instructional~~ *instruction* manual to have conspicuously printed on the front page, the specified warning pertaining to the dangers of firearms in the home.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21641 of the Business and Professions  
2 Code is amended to read:

3 21641. (a) The chief of police, the sheriff or, where  
4 appropriate, the police commission, shall accept an application  
5 for and grant a license permitting the licensee to engage in the  
6 business of secondhand dealer, as defined in Section 21626, to an  
7 applicant who has not been convicted of an attempt to receive  
8 stolen property or any other offense involving stolen property.  
9 Prior to the granting of a license, the licensing authority shall  
10 submit the application to the Department of Justice. If the  
11 Department of Justice does not comment on the application  
12 within 30 days thereafter, the licensing authority may grant the  
13 applicant a license. All forms for application and licensure, and  
14 license renewal, shall be prescribed and provided by the  
15 Department of Justice. A fee may be charged to the applicant as  
16 specified by the Department of Justice and the local licensing  
17 authority for processing the initial license application.

18 (b) For the purposes of this section, “convicted” means a plea  
19 or verdict of guilty or a conviction following a plea of nolo  
20 contendere.

21 (c) Notwithstanding subdivisions (a) and (b), no person shall  
22 be denied a secondhand dealer’s license solely on the grounds  
23 that he or she violated any provision contained in Article 4  
24 (commencing with Section 21625) or Article 5 (commencing  
25 with Section 21650) of this chapter, or any provision contained in  
26 Chapter 2 (commencing with Section 21200) of Division 8 of the  
27 Financial Code, unless the violation demonstrates a pattern of  
28 conduct.

(d) Any person licensed as a firearms dealer pursuant to Section 12071 of the Penal Code, who is conducting business at gun shows or events pursuant to Section 12071.1 of the Penal Code, and who has a valid secondhand dealer license granted by the appropriate local authorities in the jurisdiction where the firearms dealer license has been granted, shall be authorized to conduct business as a secondhand dealer at any gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, without regard to the jurisdiction within this state that issued the secondhand dealer license pursuant to subdivision (a) of this section. No additional fees or separate secondhand dealer license shall be required by any agency having jurisdiction over the locality where the gun show or event is conducted. However, the person shall otherwise be subject to, and comply with, the requirements of this article when he or she acts as a secondhand dealer at the gun show or event to the same extent as if he or she were licensed as a secondhand dealer in the jurisdiction in which the gun show or event is being conducted.

SEC. 2. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with this section:

- (1) Manufacture explosives.
- (2) Sell, furnish, or give away explosives.
- (3) Receive, store, or possess explosives.
- (4) Transport explosives.
- (5) Use explosives.
- (6) Operate a terminal for handling explosives.
- (7) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the Department of the California Highway Patrol under Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate issuing authority.

(c) (1) A permit shall be obtained from the issuing authority having the responsibility in the area where the activity, as specified in subdivision (a), is to be conducted.

(2) If the person holding a valid permit for the use or storage of explosives desires to purchase or receive explosives in a jurisdiction other than that of intended use or storage, the person shall first present the permit to the issuing authority in the jurisdiction of purchase or receipt for endorsement. The issuing authority may include any reasonable restrictions or conditions which the authority finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives within the authority's jurisdiction. If, for any reason, the issuing authority refuses to endorse the permit previously issued in the area of intended use or storage, the authority shall immediately notify both the issuing authority who issued the permit and the Department of Justice of the fact of the refusal and the reasons for the refusal.

(3) Every person who sells, gives away, delivers, or otherwise disposes of explosives to another person shall first be satisfied that the person receiving the explosives has a permit valid for that purpose. When the permit to receive explosives indicates that the intended storage or use of the explosives is other than in that area in which the permittee receives the explosives, the person who sells, gives away, delivers, or otherwise disposes of the explosives shall insure that the permit has been properly endorsed by a local issuing authority and, further, shall immediately send a copy of the record of sale to the issuing authority who originally issued the permit in the area of intended storage or use. The issuing authority in the area in which the explosives are received or sold shall not issue a permit for the possession, use, or storage of explosives in an area not within the authority's jurisdiction.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive the explosives shall be obtained from the State Fire Marshal.

(e) A permit may include any restrictions or conditions which the issuing authority finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives.

(f) A permit shall remain valid only until the time when the act or acts authorized by the permit are performed, but in no event shall the permit remain valid for a period longer than one year from the date of issuance of the permit.

1 (g) Any valid permit which authorizes the performance of any  
2 act shall not constitute authorization for the performance of any  
3 act not stipulated in the permit.

4 (h) An issuing authority shall not issue a permit authorizing  
5 the transportation of explosives pursuant to this section if the  
6 display of placards for that transportation is required by Section  
7 27903 of the Vehicle Code, unless the driver possesses a license  
8 for the transportation of hazardous materials issued pursuant to  
9 Division 14.1 (commencing with Section 32000) of the Vehicle  
10 Code, or the explosives are a hazardous waste or extremely  
11 hazardous waste, as defined in Sections ~~25117~~ and ~~25115~~ 25115  
12 and 25117 of the Health and Safety Code, and the transporter is  
13 currently registered as a hazardous waste hauler pursuant to  
14 Section 25163 of the Health and Safety Code.

15 (i) An issuing authority shall not issue a permit pursuant to  
16 this section authorizing the handling or storage of division 1.1,  
17 1.2, or 1.3 explosives in a building, unless the building has  
18 caution placards which meet the standards established pursuant  
19 to subdivision (g) of Section 12081.

20 (j) (1) A permit shall not be issued to a person who meets any  
21 of the following criteria:

22 (A) He or she has been convicted of a felony.

23 (B) He or she is addicted to a narcotic drug.

24 (C) He or she is in a class prohibited by Section 8100 or 8103  
25 of the Welfare and Institutions Code or Section 12021 or 12021.1  
26 of the Penal Code.

27 (2) For purposes of determining whether a person meets any of  
28 the criteria set forth in this subdivision, the issuing authority shall  
29 obtain two sets of fingerprints on prescribed cards from all  
30 persons applying for a permit under this section and shall submit  
31 these cards to the Department of Justice. The Department of  
32 Justice shall utilize the fingerprint cards to make inquiries both  
33 within this state and to the Federal Bureau of Investigation  
34 regarding the criminal history of the applicant identified on the  
35 fingerprint card.

36 This paragraph does not apply to any person possessing a  
37 current certificate of eligibility issued pursuant to Section 12071  
38 or to any holder of a dangerous weapons permit or license issued  
39 pursuant to Section 12095, 12230, 12250, 12286, or 12305 of the  
40 Penal Code.

(k) An issuing authority shall inquire with the Department of Justice for the purposes of determining whether a person who is applying for a permit meets any of the criteria specified in subdivision (j). The Department of Justice shall determine whether a person who is applying for a permit meets any of the criteria specified in subdivision (j) and shall either grant or deny clearance for a permit to be issued pursuant to the determination. The Department of Justice shall not disclose the contents of a person's records to any person who is not authorized to receive the information in order to ensure confidentiality.

SEC. 3. Section 171b of the Penal Code is amended to read:

171b. (a) Any person who brings or possesses within any state or local public building or at any meeting required to be open to the public pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of, or Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of, the Government Code, any of the following is guilty of a public offense punishable by imprisonment in a county jail for not more than one year, or in the state prison:

- (1) Any firearm.
- (2) Any deadly weapon described in Section 653k or 12020.
- (3) Any knife with a blade length in excess of four inches, the blade of which is fixed or is capable of being fixed in an unguarded position by the use of one or two hands.
- (4) Any unauthorized tear gas weapon.
- (5) Any taser or stun gun, as defined in Section 244.5.
- (6) Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun or paint gun.

(b) Subdivision (a) shall not apply to, or affect, any of the following:

- (1) A person who possesses weapons in, or transports weapons into, a court of law to be used as evidence.
- (2) (A) A duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired peace officer with authorization to carry concealed weapons as described in subdivision (a) of Section 12027, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person

1 summoned by any of these officers to assist in making arrests or  
2 preserving the peace while he or she is actually engaged in  
3 assisting the officer.

4 (B) Notwithstanding subparagraph (A), subdivision (a) shall  
5 apply to any person who brings or possesses any weapon  
6 specified therein within any courtroom if he or she is a party to  
7 an action pending before the court.

8 (3) A person holding a valid license to carry the firearm  
9 pursuant to Article 3 (commencing with Section 12050) of  
10 Chapter 1 of Title 2 of Part 4.

11 (4) A person who has permission to possess that weapon  
12 granted in writing by a duly authorized official who is in charge  
13 of the security of the state or local government building.

14 (5) A person who lawfully resides in, lawfully owns, or is in  
15 lawful possession of, that building with respect to those portions  
16 of the building that are not owned or leased by the state or local  
17 government.

18 (6) A person licensed or registered in accordance with, and  
19 acting within the course and scope of, Chapter 11.5 (commencing  
20 with Section 7512) or Chapter 11.6 (commencing with Section  
21 7590) of Division 3 of the Business and Professions Code who  
22 has been hired by the owner or manager of the building if the  
23 person has permission pursuant to paragraph (5).

24 (7) (A) A person who, for the purpose of sale or trade, brings  
25 any weapon that may otherwise be lawfully transferred, into a  
26 gun show conducted pursuant to Sections 12083.5 and 12083.7.

27 (B) A person who, for purposes of an authorized public  
28 exhibition, brings any weapon that may otherwise be lawfully  
29 possessed, into a gun show conducted pursuant to Sections  
30 12083.5 and 12083.7.

31 (c) As used in this section, “state or local public building”  
32 means a building that meets all of the following criteria:

33 (1) It is a building or part of a building owned or leased by the  
34 state or local government, if state or local public employees are  
35 regularly present for the purposes of performing their official  
36 duties. A state or local public building includes, but is not limited  
37 to, a building that contains a courtroom.

38 (2) It is not a building or facility, or a part thereof, that is  
39 referred to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this  
40 code, or in Section 18544 of the Elections Code.

1 (3) It is a building not regularly used, and not intended to be  
2 used, by state or local employees as a place of residence.

3 SEC. 4. Section 11106 of the Penal Code is amended to read:

4 11106. (a) In order to assist in the investigation of crime, the  
5 prosecution of civil actions by city attorneys pursuant to  
6 paragraph (3) of subdivision (c), the arrest and prosecution of  
7 criminals, and the recovery of lost, stolen, or found property, the  
8 Attorney General shall keep and properly file a complete record  
9 of all copies of fingerprints, copies of licenses to carry firearms  
10 issued pursuant to Section 12050, information reported to the  
11 Department of Justice pursuant to Section 12053, dealers'  
12 records of sales of firearms, reports provided pursuant to Section  
13 12072 or 12078, forms provided pursuant to Section 12084,  
14 reports provided pursuant to Section 12071.5 that are not dealers'  
15 records of sales of firearms, and reports of stolen, lost, found,  
16 pledged, or pawned property in any city or county of this state,  
17 and shall, upon proper application therefor, furnish this  
18 information to the officers referred to in Section 11105.

19 (b) (1) Notwithstanding subdivision (a), the Attorney General  
20 shall not retain or compile any information from reports filed  
21 pursuant to subdivision (a) of Section 12078 for firearms that are  
22 not handguns, from forms submitted pursuant to Section 12084  
23 for firearms that are not handguns, or from dealers' records of  
24 sales for firearms that are not handguns. All copies of the forms  
25 submitted, or any information received in electronic form,  
26 pursuant to Section 12084 for firearms that are not handguns, or  
27 of the dealers' records of sales for firearms that are not handguns  
28 shall be destroyed within five days of the clearance by the  
29 Attorney General, unless the purchaser or transferor is ineligible  
30 to take possession of the firearm. All copies of the reports filed,  
31 or any information received in electronic form, pursuant to  
32 subdivision (a) of Section 12078 for firearms that are not  
33 handguns shall be destroyed within five days of the receipt by the  
34 Attorney General, unless retention is necessary for use in a  
35 criminal prosecution.

36 (2) A peace officer, the Attorney General, a Department of  
37 Justice employee designated by the Attorney General, or any  
38 authorized local law enforcement employee shall not retain or  
39 compile any information from a firearms transaction record, as  
40 defined in Section 12071.5, for firearms that are not handguns



1 unless retention or compilation is necessary for use in a criminal  
2 prosecution or in a proceeding to revoke a license issued  
3 pursuant to Section 12071.

4 (3) A violation of this subdivision is a misdemeanor.

5 (c) (1) The Attorney General shall permanently keep and  
6 properly file and maintain all information reported to the  
7 Department of Justice pursuant to Sections 12071, 12072, 12078,  
8 12082, and 12084 or any other law, as to handguns and maintain  
9 a registry thereof.

10 (2) The registry shall consist of all of the following:

11 (A) The name, address, identification of, place of birth (state  
12 or country), complete telephone number, occupation, sex,  
13 description, and all legal names and aliases ever used by the  
14 owner or person being loaned the particular handgun as listed on  
15 the information provided to the department on the Dealers'  
16 Record of Sale, the Law Enforcement Firearms Transfer (LEFT),  
17 as defined in Section 12084, or reports made to the department  
18 pursuant to Section 12078 or any other law.

19 (B) The name and address of, and other information about, any  
20 person (whether a dealer or a private party) from whom the  
21 owner acquired or the person being loaned the particular handgun  
22 and when the firearm was acquired or loaned as listed on the  
23 information provided to the department on the Dealers' Record  
24 of Sale, the LEFT, or reports made to the department pursuant to  
25 Section 12078 or any other law.

26 (C) Any waiting period exemption applicable to the  
27 transaction which resulted in the owner of or the person being  
28 loaned the particular handgun acquiring or being loaned that  
29 firearm.

30 (D) The manufacturer's name if stamped on the firearm,  
31 model name or number if stamped on the firearm, and, if  
32 applicable, the serial number, other number (if more than one  
33 serial number is stamped on the firearm), caliber, type of firearm,  
34 if the firearm is new or used, barrel length, and color of the  
35 firearm.

36 (3) Information in the registry referred to in this subdivision  
37 shall, upon proper application therefor, be furnished to the  
38 officers referred to in Section 11105, to a city attorney  
39 prosecuting a civil action, solely for use in prosecuting that civil  
40 action and not for any other purpose, or to the person listed in the

1 registry as the owner or person who is listed as being loaned the  
2 particular handgun.

3 (4) If any person is listed in the registry as the owner of a  
4 firearm through a Dealers' Record of Sale prior to 1979, and the  
5 person listed in the registry requests by letter that the Attorney  
6 General store and keep the record electronically, as well as in the  
7 record's existing photographic, photostatic, or nonerasable  
8 optically stored form, the Attorney General shall do so within  
9 three working days of receipt of the request. The Attorney  
10 General shall, in writing, and as soon as practicable, notify the  
11 person requesting electronic storage of the record that the request  
12 has been honored as required by this paragraph.

13 SEC. 5. Section 12001 of the Penal Code is amended to read:

14 12001. (a) (1) As used in this title, the terms "pistol,"  
15 "revolver," and "firearm capable of being concealed upon the  
16 person" shall apply to and include any device designed to be used  
17 as a weapon, from which is expelled a projectile by the force of  
18 any explosion, or other form of combustion, and that has a barrel  
19 less than 16 inches in length. These terms also include any device  
20 that has a barrel 16 inches or more in length which is designed to  
21 be interchanged with a barrel less than 16 inches in length.

22 (2) As used in this title, the term "handgun" means any  
23 "pistol," "revolver," or "firearm capable of being concealed upon  
24 the person."

25 (b) As used in this title, "firearm" means any device, designed  
26 to be used as a weapon, from which is expelled through a barrel a  
27 projectile by the force of any explosion or other form of  
28 combustion.

29 (c) As used in Sections 12021, 12021.1, 12070, 12071,  
30 12071.1, 12071.2, 12071.5, 12071.6, 12072, 12073, 12078,  
31 12101, and 12801 of this code, and Sections 8100, 8101, and  
32 8103 of the Welfare and Institutions Code, the term "firearm"  
33 includes the frame or receiver of the weapon.

34 (d) For the purposes of Sections 12025 and 12031, the term  
35 "firearm" also shall include any rocket, rocket propelled  
36 projectile launcher, or similar device containing any explosive or  
37 incendiary material whether or not the device is designed for  
38 emergency or distress signaling purposes.

39 (e) For purposes of Sections 12070, 12071, 12071.1, 12071.2,  
40 12071.3, 12071.5, 12071.6, and paragraph (8) of subdivision (a),

1 and subdivisions (b), (c), (d), and (f) of Section 12072, the term  
2 “firearm” does not include an unloaded firearm that is defined as  
3 an “antique firearm” in Section 921(a)(16) of Title 18 of the  
4 United States Code.

5 (f) Nothing shall prevent a device defined as a “handgun,”  
6 “pistol,” “revolver,” or “firearm capable of being concealed upon  
7 the person” from also being found to be a short-barreled shotgun  
8 or a short-barreled rifle, as defined in Section 12020.

9 (g) For purposes of Sections 12551 and 12552, the term “BB  
10 device” means any instrument that expels a projectile, such as a  
11 BB or a pellet, not exceeding 6mm caliber, through the force of  
12 air pressure, gas pressure, or spring action, or any spot marker  
13 gun.

14 (h) As used in this title, “wholesaler” means any person who is  
15 licensed as a dealer pursuant to Chapter 44 (commencing with  
16 Section 921) of Title 18 of the United States Code and the  
17 regulations issued pursuant thereto who sells, transfers, or  
18 assigns firearms, or parts of firearms, to persons who are licensed  
19 as manufacturers, importers, or gunsmiths pursuant to Chapter 44  
20 (commencing with Section 921) of Title 18 of the United States  
21 Code, or persons licensed pursuant to Section 12071, and  
22 includes persons who receive finished parts of firearms and  
23 assemble them into completed or partially completed firearms in  
24 furtherance of that purpose.

25 “Wholesaler” shall not include a manufacturer, importer, or  
26 gunsmith who is licensed to engage in those activities pursuant to  
27 Chapter 44 (commencing with Section 921) of Title 18 of the  
28 United States Code or a person licensed pursuant to Section  
29 12071 and the regulations issued pursuant thereto. A wholesaler  
30 also does not include those persons dealing exclusively in grips,  
31 stocks, and other parts of firearms that are not frames or receivers  
32 thereof.

33 (i) As used in Section 12071.2, 12071.4, ~~or~~ 12072, or 12084,  
34 “application to purchase” means any of the following:

35 (1) The initial completion of the register by the purchaser,  
36 transferee, or person being loaned the firearm as required by  
37 subdivision (b) of Section 12076.

38 (2) The initial completion of the LEFT by the purchaser,  
39 transferee, or person being loaned the firearm as required by  
40 subdivision (d) of Section 12084.

1 (3) The initial completion and transmission to the department  
2 of the record of electronic or telephonic transfer by the dealer on  
3 the purchaser, transferee, or person being loaned the firearm as  
4 required by subdivision (c) of Section 12076.

5 (j) For purposes of Section 12023, a firearm shall be deemed  
6 to be “loaded” whenever both the firearm and the unexpended  
7 ammunition capable of being discharged from the firearm are in  
8 the immediate possession of the same person.

9 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,  
10 12072, 12073, 12078, 12101, and 12801 of this code, and  
11 Sections 8100, 8101, and 8103 of the Welfare and Institutions  
12 Code, notwithstanding the fact that the term “any firearm” may  
13 be used in those sections, each firearm or the frame or receiver of  
14 the same shall constitute a distinct and separate offense under  
15 those sections.

16 (l) For purposes of Section 12020, a violation of that section as  
17 to each firearm, weapon, or device enumerated therein shall  
18 constitute a distinct and separate offense.

19 (m) Each application that requires any firearms eligibility  
20 determination involving the issuance of any license, permit, or  
21 certificate pursuant to this title shall include two copies of the  
22 applicant’s fingerprints on forms prescribed by the Department  
23 of Justice. One copy of the fingerprints may be submitted to the  
24 United States Federal Bureau of Investigation.

25 (n) As used in this chapter, a “personal handgun importer”  
26 means an individual who meets all of the following criteria:

27 (1) He or she is not a person licensed pursuant to Section  
28 12071.

29 (2) He or she is not a licensed manufacturer of firearms  
30 pursuant to Chapter 44 (commencing with Section 921) of Title  
31 18 of the United States Code.

32 (3) He or she is not a licensed importer of firearms pursuant to  
33 Chapter 44 (commencing with Section 921) of Title 18 of the  
34 United States Code and the regulations issued pursuant thereto.

35 (4) He or she is the owner of a pistol, revolver, or other  
36 firearm capable of being concealed upon the person.

37 (5) He or she acquired that pistol, revolver, or other firearm  
38 capable of being concealed upon the person outside of California.

39 (6) He or she moves into this state on or after January 1, 1998,  
40 as a resident of this state.

1 (7) He or she intends to possess that pistol, revolver, or other  
2 firearm capable of being concealed upon the person within this  
3 state on or after January 1, 1998.

4 (8) The pistol, revolver, or other firearm capable of being  
5 concealed upon the person was not delivered to him or her by a  
6 person licensed pursuant to Section 12071 who delivered that  
7 firearm following the procedures set forth in Section 12071.2 and  
8 subdivision (c) of Section 12072.

9 (9) He or she, while a resident of this state, had not previously  
10 reported his or her ownership of that pistol, revolver, or other  
11 firearm capable of being concealed upon the person to the  
12 Department of Justice in a manner prescribed by the department  
13 that included information concerning him or her and a  
14 description of the firearm.

15 (10) The pistol, revolver, or other firearm capable of being  
16 concealed upon the person is not a firearm that is prohibited by  
17 subdivision (a) of Section 12020.

18 (11) The pistol, revolver, or other firearm capable of being  
19 concealed upon the person is not an assault weapon, as defined in  
20 Section 12276 or 12276.1.

21 (12) The pistol, revolver, or other firearm capable of being  
22 concealed upon the person is not a machinegun, as defined in  
23 Section 12200.

24 (13) The person is 18 years of age or older.

25 (o) For purposes of paragraph (6) of subdivision (n):

26 (1) Except as provided in paragraph (2), residency shall be  
27 determined in the same manner as is the case for establishing  
28 residency pursuant to Section 12505 of the Vehicle Code.

29 (2) In the case of members of the Armed Forces of the United  
30 States, residency shall be deemed to be established when he or  
31 she was discharged from active service in this state.

32 (p) As used in this code, “basic firearms safety certificate”  
33 means a certificate issued by the Department of Justice pursuant  
34 to Article 8 (commencing with Section 12800) of Chapter 6 of  
35 Title 2 of Part 4, prior to January 1, 2003.

36 (q) As used in this code, “handgun safety certificate” means a  
37 certificate issued by the Department of Justice pursuant to Article  
38 8 (commencing with Section 12800) of Chapter 6 of Title 2 of  
39 Part 4, as that article is operative on or after January 1, 2003.

(r) As used in this title, “gunsmith” means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

SEC. 6. Section 12035 of the Penal Code is amended to read:

12035. (a) As used in this section, the following definitions apply:

(1) “Locking device” means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.

(2) “Loaded firearm” has the same meaning as set forth in subdivision (g) of Section 12031.

(3) “Child” means a person under 18 years of age.

(4) “Great bodily injury” has the same meaning as set forth in Section 12022.7.

(5) “Locked container” has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) (1) Except as provided in subdivision (c), a person commits the crime of “criminal storage of a firearm of the first degree” if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(2) Except as provided in subdivision (c), a person commits the crime of “criminal storage of a firearm of the second degree” if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

1 (c) Subdivision (b) shall not apply whenever any of the  
2 following occurs:

3 (1) The child obtains the firearm as a result of an illegal entry  
4 to any premises by any person.

5 (2) The firearm is kept in a locked container or in a location  
6 that a reasonable person would believe to be secure.

7 (3) The firearm is carried on the person or within such a close  
8 proximity thereto that the individual can readily retrieve and use  
9 the firearm as if carried on the person.

10 (4) The firearm is locked with a locking device that has  
11 rendered the firearm inoperable.

12 (5) The person is a peace officer or a member of the Armed  
13 Forces or National Guard and the child obtains the firearm  
14 during, or incidental to, the performance of the person's duties.

15 (6) The child obtains, or obtains and discharges, the firearm in  
16 a lawful act of self-defense or defense of another person, or  
17 persons.

18 (7) The person who keeps a loaded firearm on any premise  
19 that is under his or her custody or control has no reasonable  
20 expectation, based on objective facts and circumstances, that a  
21 child is likely to be present on the premises.

22 (d) Criminal storage of a firearm is punishable as follows:

23 (1) Criminal storage of a firearm in the first degree, by  
24 imprisonment in the state prison for 16 months, or two or three  
25 years, by a fine not exceeding ten thousand dollars (\$10,000), or  
26 by both that imprisonment and fine; or by imprisonment in a  
27 county jail not exceeding one year, by a fine not exceeding one  
28 thousand dollars (\$1,000), or by both that fine and imprisonment.

29 (2) Criminal storage of a firearm in the second degree, by  
30 imprisonment in a county jail not exceeding one year, by a fine  
31 not exceeding one thousand dollars (\$1,000), or by both that  
32 imprisonment and fine.

33 (e) If the person who allegedly violated this section is the  
34 parent or guardian of a child who is injured or who dies as the  
35 result of an accidental shooting, the district attorney shall  
36 consider, among other factors, the impact of the injury or death  
37 on the person alleged to have violated this section when deciding  
38 whether to prosecute an alleged violation. It is the Legislature's  
39 intent that a parent or guardian of a child who is injured or who  
40 dies as the result of an accidental shooting shall be prosecuted

1 only in those instances in which the parent or guardian behaved  
2 in a grossly negligent manner or where similarly egregious  
3 circumstances exist. This subdivision shall not otherwise restrict,  
4 in any manner, the factors that a district attorney may consider  
5 when deciding whether to prosecute alleged violations of this  
6 section.

7 (f) If the person who allegedly violated this section is the  
8 parent or guardian of a child who is injured or who dies as the  
9 result of an accidental shooting, no arrest of the person for the  
10 alleged violation of this section shall occur until at least seven  
11 days after the date upon which the accidental shooting occurred.

12 In addition to the limitation contained in this subdivision, a law  
13 enforcement officer shall consider the health status of a child  
14 who suffers great bodily injury as the result of an accidental  
15 shooting prior to arresting a person for a violation of this section,  
16 if the person to be arrested is the parent or guardian of the injured  
17 child. The intent of this subdivision is to encourage law  
18 enforcement officials to delay the arrest of a parent or guardian  
19 of a seriously injured child while the child remains on  
20 life-support equipment or is in a similarly critical medical  
21 condition.

22 (g) (1) The fact that the person who allegedly violated this  
23 section attended a firearm safety training course prior to the  
24 purchase of the firearm that is obtained by a child in violation of  
25 this section shall be considered a mitigating factor by a district  
26 attorney when he or she is deciding whether to prosecute the  
27 alleged violation.

28 (2) In any action or trial commenced under this section, the  
29 fact that the person who allegedly violated this section attended a  
30 firearm safety training course prior to the purchase of the firearm  
31 that is obtained by a child in violation of this section, shall be  
32 admissible.

33 (h) Every person licensed under Section 12071 shall post  
34 within the licensed premises the notice required by Section  
35 12071.4, disclosing the duty imposed by this section upon any  
36 person who keeps a loaded firearm.

37 SEC. 7. Section 12036 of the Penal Code is amended to read:

38 12036. (a) As used in this section, the following definitions  
39 shall apply:



1 (1) "Locking device" means a device that is designed to  
2 prevent the firearm from functioning and when applied to the  
3 firearm, renders the firearm inoperable.

4 (2) "Child" means a person under the age of 18 years.

5 (3) "Off-premises" means premises other than the premises  
6 where the firearm was stored.

7 (4) "Locked container" has the same meaning as set forth in  
8 subdivision (d) of Section 12026.2.

9 (b) A person who keeps a pistol, revolver, or other firearm  
10 capable of being concealed upon the person, loaded or unloaded,  
11 within any premises that are under his or her custody or control  
12 and he or she knows or reasonably should know that a child is  
13 likely to gain access to that firearm without the permission of the  
14 child's parent or legal guardian and the child obtains access to  
15 that firearm and thereafter carries that firearm off-premises, shall  
16 be punished by imprisonment in a county jail not exceeding one  
17 year, by a fine not exceeding one thousand dollars (\$1,000), or  
18 by both that imprisonment and fine.

19 (c) A person who keeps any firearm within any premises that  
20 is under his or her custody or control and he or she knows or  
21 reasonably should know that a child is likely to gain access to the  
22 firearm without the permission of the child's parent or legal  
23 guardian and the child obtains access to the firearm and  
24 thereafter carries that firearm off-premises to any public or  
25 private preschool, elementary school, middle school, high school,  
26 or to any school-sponsored event, activity, or performance  
27 whether occurring on school grounds or elsewhere, shall be  
28 punished by imprisonment in a county jail not exceeding one  
29 year, by a fine not exceeding five thousand dollars (\$5,000), or  
30 by both that imprisonment and fine.

31 (d) A pistol, revolver, or other firearm capable of being  
32 concealed upon the person that a child gains access to and carries  
33 off-premises in violation of this section shall be deemed "used in  
34 the commission of any misdemeanor as provided in this code or  
35 any felony" for the purpose of subdivision (b) of Section 12028  
36 regarding the authority to confiscate firearms and other deadly  
37 weapons as a nuisance.

38 (e) This section shall not apply if any one of the following  
39 circumstances exists:

1 (1) The child obtains the pistol, revolver, or other firearm  
2 capable of being concealed upon the person as a result of an  
3 illegal entry into any premises by any person.

4 (2) The pistol, revolver, or other firearm capable of being  
5 concealed upon the person is kept in a locked container or in a  
6 location that a reasonable person would believe to be secure.

7 (3) The pistol, revolver, or other firearm capable of being  
8 concealed upon the person is locked with a locking device that  
9 has rendered the firearm inoperable.

10 (4) The pistol, revolver, or other firearm capable of being  
11 concealed upon a person is carried on the person within such a  
12 close range that the individual can readily retrieve and use the  
13 firearm as if carried on the person.

14 (5) The person is a peace officer or a member of the Armed  
15 Forces or National Guard and the child obtains the pistol,  
16 revolver, or other firearm capable of being concealed upon the  
17 person during, or incidental to, the performance of the person's  
18 duties.

19 (6) The child obtains, or obtains and discharges, the pistol,  
20 revolver, or other firearm capable of being concealed upon the  
21 person in a lawful act of self-defense or defense of another  
22 person or persons.

23 (7) The person who keeps a pistol, revolver, or other firearm  
24 capable of being concealed upon the person has no reasonable  
25 expectation, based on objective facts and circumstances, that a  
26 child is likely to be present on the premises.

27 (f) If the person who allegedly violated this section is the  
28 parent or guardian of a child who is injured or who dies as the  
29 result of an accidental shooting, the district attorney shall  
30 consider, among other factors, the impact of the injury or death  
31 on the person alleged to have violated this section when deciding  
32 whether to prosecute the alleged violation. It is the Legislature's  
33 intent that a parent or guardian of a child who is injured or who  
34 dies as the result of an accidental shooting shall be prosecuted  
35 only in those instances in which the parent or guardian behaved  
36 in a grossly negligent manner or where similarly egregious  
37 circumstances exist. This subdivision shall not otherwise restrict,  
38 in any manner, the factors that a district attorney may consider  
39 when deciding whether to prosecute alleged violations of this  
40 section.

1 (g) If the person who allegedly violated this section is the  
2 parent or guardian of a child who is injured or who dies as the  
3 result of an accidental shooting, no arrest of the person for the  
4 alleged violation of this section shall occur until at least seven  
5 days after the date upon which the accidental shooting occurred.

6 In addition to the limitation contained in this subdivision, a law  
7 enforcement officer shall consider the health status of a child  
8 who suffers great bodily injury as the result of an accidental  
9 shooting prior to arresting a person for a violation of this section,  
10 if the person to be arrested is the parent or guardian of the injured  
11 child. The intent of this subdivision is to encourage law  
12 enforcement officials to delay the arrest of a parent or guardian  
13 of a seriously injured child while the child remains on  
14 life-support equipment or is in a similarly critical medical  
15 condition.

16 (h) (1) The fact that the person who allegedly violated this  
17 section attended a firearm safety training course prior to the  
18 purchase of the firearm that is obtained by a child in violation of  
19 this section shall be considered a mitigating factor by a district  
20 attorney when he or she is deciding whether to prosecute the  
21 alleged violation.

22 (2) In any action or trial commenced under this section, the  
23 fact that the person who allegedly violated this section attended a  
24 firearm safety training course prior to the purchase of the firearm  
25 that is obtained by a child in violation of this section, shall be  
26 admissible.

27 (i) Every person licensed under Section 12071 shall post  
28 within the licensed premises the notice required by Section  
29 12071.4, disclosing the duty imposed by this section upon any  
30 person who keeps any firearm.

31 SEC. 8. Section 12070 of the Penal Code is amended to read:

32 12070. (a) No person shall sell, lease, or transfer firearms  
33 unless he or she has been issued a license pursuant to Section  
34 12071. Any person violating this section is guilty of a  
35 misdemeanor.

36 (b) Subdivision (a) does not include any of the following:

37 (1) The sale, lease, or transfer of any firearm by a person  
38 acting pursuant to operation of law, a court order, or pursuant to  
39 the Enforcement of Judgments Law (Title 9 (commencing with  
40 Section 680.010) of Part 2 of the Code of Civil Procedure), or by

1 a person who liquidates a personal firearm collection to satisfy a  
2 court judgment.

3 (2) A person acting pursuant to subdivision (e) of Section  
4 186.22a or subdivision (c) of Section 12028.

5 (3) The sale, lease, or transfer of a firearm by a person who  
6 obtains title to the firearm by intestate succession or by bequest  
7 or as a surviving spouse pursuant to Chapter 1 (commencing with  
8 Section 13500) of Part 2 of Division 8 of the Probate Code,  
9 provided the person disposes of the firearm within 60 days of  
10 receipt of the firearm.

11 (4) The infrequent sale, lease, or transfer of firearms.

12 (5) The sale, lease, or transfer of used firearms other than  
13 pistols, revolvers, or other firearms capable of being concealed  
14 upon the person, at gun shows or events, as specified in Section  
15 12071.1, by a person other than a licensee or dealer, provided the  
16 person has a valid federal firearms license and a current  
17 certificate of eligibility issued by the Department of Justice, as  
18 specified in Section 12071, and provided all the sales, leases, or  
19 transfers fully comply with subdivision (d) of Section 12072.  
20 However, the person shall not engage in the sale, lease, or  
21 transfer of used firearms other than pistols, revolvers, or other  
22 firearms capable of being concealed upon the person at more  
23 than 12 gun shows or events in any calendar year and shall not  
24 sell, lease, or transfer more than 15 used firearms other than  
25 pistols, revolvers, or other firearms capable of being concealed  
26 upon the person at any single gun show or event. In no event  
27 shall the person sell more than 75 used firearms other than  
28 pistols, revolvers, or other firearms capable of being concealed  
29 upon the person in any calendar year.

30 A person described in this paragraph shall be known as a “Gun  
31 Show Trader.”

32 The Department of Justice shall adopt regulations to administer  
33 this program and shall recover the full costs of administration  
34 from fees assessed applicants.

35 As used in this paragraph, the term “used firearm” means a  
36 firearm that has been sold previously at retail and is more than  
37 three years old.

38 (6) The activities of a law enforcement agency pursuant to  
39 Section 12084.

1 (7) Deliveries, sales, or transfers of firearms between or to  
2 importers and manufacturers of firearms licensed to engage in  
3 business pursuant to Chapter 44 (commencing with Section 921)  
4 of Title 18 of the United States Code and the regulations issued  
5 pursuant thereto.

6 (8) The sale, delivery, or transfer of firearms by  
7 manufacturers or importers licensed pursuant to Chapter 44  
8 (commencing with Section 921) of Title 18 of the United States  
9 Code and the regulations issued pursuant thereto to dealers or  
10 wholesalers.

11 (9) Deliveries and transfers of firearms made pursuant to  
12 Section 12028, 12028.5, or 12030.

13 (10) The loan of a firearm for the purposes of shooting at  
14 targets, if the loan occurs on the premises of a target facility  
15 which holds a business or regulatory license or on the premises  
16 of any club or organization organized for the purposes of  
17 practicing shooting at targets upon established ranges, whether  
18 public or private, if the firearm is at all times kept within the  
19 premises of the target range or on the premises of the club or  
20 organization.

21 (11) Sales, deliveries, or transfers of firearms by  
22 manufacturers, importers, or wholesalers licensed pursuant to  
23 Chapter 44 (commencing with Section 921) of Title 18 of the  
24 United States Code and the regulations issued pursuant thereto to  
25 persons who reside outside this state who are licensed pursuant to  
26 Chapter 44 (commencing with Section 921) of Title 18 of the  
27 United States Code and the regulations issued pursuant thereto, if  
28 the sale, delivery, or transfer is in accordance with Chapter 44  
29 (commencing with Section 921) of Title 18 of the United States  
30 Code and the regulations issued pursuant thereto.

31 (12) Sales, deliveries, or transfers of firearms by persons who  
32 reside outside this state and are licensed outside this state  
33 pursuant to Chapter 44 (commencing with Section 921) of Title  
34 18 of the United States Code and the regulations issued pursuant  
35 thereto to wholesalers, manufacturers, or importers, if the sale,  
36 delivery, or transfer is in accordance with Chapter 44  
37 (commencing with Section 921) of Title 18 of the United States  
38 Code and the regulations issued pursuant thereto.

39 (13) Sales, deliveries, or transfers of firearms by wholesalers  
40 to dealers.

1 (14) Sales, deliveries, or transfers of firearms by persons who  
2 reside outside this state to persons licensed pursuant to Section  
3 12071, if the sale, delivery, or transfer is in accordance with  
4 Chapter 44 (commencing with Section 921) of Title 18 of the  
5 United States Code, and the regulations issued pursuant thereto.

6 (15) Sales, deliveries, or transfers of firearms by persons who  
7 reside outside this state and are licensed pursuant to Chapter 44  
8 (commencing with Section 921) of Title 18 of the United States  
9 Code and the regulations issued pursuant thereto to dealers, if the  
10 sale, delivery, or transfer is in accordance with Chapter 44  
11 (commencing with Section 921) of Title 18 of the United States  
12 Code and the regulations issued pursuant thereto.

13 (16) The delivery, sale, or transfer of an unloaded firearm by  
14 one wholesaler to another wholesaler if that firearm is intended  
15 as merchandise in the receiving wholesaler's business.

16 (17) The loan of an unloaded firearm or the loan of a firearm  
17 loaded with blank cartridges for use solely as a prop for a motion  
18 picture, television, or video production or entertainment or  
19 theatrical event.

20 (18) The delivery of an unloaded firearm that is a curio or  
21 relic, as defined in Section 478.11 of Title 27 of the Code of  
22 Federal Regulations, by a person licensed as a collector pursuant  
23 to Chapter 44 (commencing with Section 921) of Title 18 of the  
24 United States Code and the regulations issued pursuant thereto  
25 with a current certificate of eligibility issued pursuant to Section  
26 12071 to a dealer.

27 (c) (1) As used in this section, "infrequent" means:

28 (A) For pistols, revolvers, and other firearms capable of being  
29 concealed upon the person, less than six transactions per calendar  
30 year. For this purpose, "transaction" means a single sale, lease, or  
31 transfer of any number of pistols, revolvers, or other firearms  
32 capable of being concealed upon the person.

33 (B) For firearms other than pistols, revolvers, or other firearms  
34 capable of being concealed upon the person, occasional and  
35 without regularity.

36 (2) As used in this section, "operation of law" includes, but is  
37 not limited to, any of the following:

38 (A) The executor or administrator of an estate, if the estate  
39 includes firearms.

1 (B) A secured creditor or an agent or employee thereof when  
2 the firearms are possessed as collateral for, or as a result of, a  
3 default under a security agreement under the Commercial Code.

4 (C) A levying officer, as defined in Section 481.140, 511.060,  
5 or 680.260 of the Code of Civil Procedure.

6 (D) A receiver performing his or her functions as a receiver, if  
7 the receivership estate includes firearms.

8 (E) A trustee in bankruptcy performing his or her duties, if the  
9 bankruptcy estate includes firearms.

10 (F) An assignee for the benefit of creditors performing his or  
11 her functions as an assignee, if the assignment includes firearms.

12 (G) A transmutation of property between spouses pursuant to  
13 Section 850 of the Family Code.

14 (H) Firearms received by the family of a police officer or  
15 deputy sheriff from a local agency pursuant to Section 50081 of  
16 the Government Code.

17 (I) The transfer of a firearm by a law enforcement agency to  
18 the person who found the firearm where the delivery is to the  
19 person as the finder of the firearm pursuant to Article 1  
20 (commencing with Section 2080) of Chapter 4 of Division 3 of  
21 the Civil Code.

22 SEC. 9. Section 12071 of the Penal Code is repealed.

23 SEC. 10. Section 12071 is added to the Penal Code, to read:

24 12071. (a) As used in this chapter, the term “licensee,”  
25 “person licensed pursuant to Section 12071,” or “dealer” means a  
26 person who has all of the following:

27 (1) A valid federal firearms license.

28 (2) Any regulatory or business license, or licenses, required by  
29 local government.

30 (3) A valid seller’s permit issued by the State Board of  
31 Equalization.

32 (4) A certificate of eligibility issued by the Department of  
33 Justice pursuant to subdivision (d).

34 (5) A license issued in the format prescribed by subdivision  
35 (f).

36 (6) Is among those recorded in the centralized list specified in  
37 Section 12071.7.

38 (b) The duly constituted licensing authority of a city, county,  
39 or a city and county shall accept applications for, and may grant  
40 licenses permitting, licensees to sell firearms at retail within the

1 city, county, or city and county. The duly constituted licensing  
2 authority shall inform applicants who are denied licenses of the  
3 reasons for the denial in writing.

4 (c) No license shall be granted to any applicant who fails to  
5 provide a copy of his or her valid federal firearms license, valid  
6 seller's permit issued by the State Board of Equalization, and the  
7 certificate of eligibility described in paragraph (4).

8 (d) A person may request a certificate of eligibility from the  
9 Department of Justice and the Department of Justice shall issue a  
10 certificate to an applicant if the department's records indicate that  
11 the applicant is not a person who is prohibited from possessing  
12 firearms.

13 (e) The department shall adopt regulations to administer the  
14 certificate of eligibility program and shall recover the full costs  
15 of administering the program by imposing fees assessed to  
16 applicants who apply for those certificates.

17 (f) A license granted by the duly constituted licensing  
18 authority of any city, county, or city and county, shall be valid  
19 for not more than one year from the date of issuance and shall be  
20 in one of the following forms:

21 (1) In the form prescribed by the Attorney General.

22 (2) A regulatory or business license that states on its face  
23 "Valid for Retail Sales of Firearms" and is endorsed by the  
24 signature of the issuing authority.

25 (3) A letter from the duly constituted licensing authority  
26 having primary jurisdiction for the applicant's intended business  
27 location stating that the jurisdiction does not require any form of  
28 regulatory or business license or does not otherwise restrict or  
29 regulate the sale of firearms.

30 (g) Local licensing authorities may assess fees to recover their  
31 full costs of processing applications for licenses.

32 (h) A license granted pursuant to this section is subject to  
33 forfeiture for a breach of any of the prohibitions and  
34 requirements of this section.

35 SEC. 11. Section 12071.1 of the Penal Code, as amended by  
36 Section 2 of Chapter 247 of the Statutes of 1999, is amended and  
37 renumbered to read:

38 12083.5 (a) No person shall produce, promote, sponsor,  
39 operate, or otherwise organize a gun show or event, as specified  
40 in Section 12071.1, unless that person possesses a valid



1 certificate of eligibility from the Department of Justice. Unless  
2 the department's records indicate that the applicant is a person  
3 prohibited from possessing firearms, a certificate of eligibility  
4 shall be issued by the Department of Justice to an applicant  
5 provided the applicant does all of the following:

6 (1) Certifies that he or she is familiar with the provisions of  
7 this section and Section 12083.7.

8 (2) Ensures that liability insurance is in effect for the duration  
9 of an event or show in an amount of not less than one million  
10 dollars (\$1,000,000).

11 (3) Provides an annual list of the gun shows or events that the  
12 applicant plans to promote, produce, sponsor, operate, or  
13 otherwise organize during the year for which the certificate of  
14 eligibility is issued, including the date, time, and location of the  
15 gun shows or events.

16 (b) If during that year the information required by paragraph  
17 (3) of subdivision (a) changes, or additional gun shows or events  
18 will be promoted, produced, sponsored, operated, or otherwise  
19 organized by the applicant, the producer shall notify the  
20 Department of Justice no later than 30 days prior to the gun show  
21 or event.

22 (c) As used in this section, a "licensed gun show producer"  
23 means a person who has been issued a certificate of eligibility by  
24 the Department of Justice pursuant to subdivision (a). No  
25 regulations shall be required to implement this subdivision.

26 (d) The Department of Justice shall adopt regulations to  
27 administer the certificate of eligibility program under this section  
28 and shall recover the full costs of administering the program by  
29 fees assessed applicants who apply for certificates. A licensed  
30 gun show producer shall be assessed an annual fee of eighty-five  
31 dollars (\$85) by the department.

32 (e) (1) A willful failure by a gun show producer to comply  
33 with any of the requirements of this section, except for the  
34 posting of required signs, shall be a misdemeanor punishable by  
35 a fine not to exceed two thousand dollars (\$2,000), and shall  
36 render the producer ineligible for a gun show producer license  
37 for one year from the date of the conviction.

38 (2) The willful failure of a gun show producer to post signs as  
39 required by this section shall be a misdemeanor punishable by a  
40 fine not to exceed one thousand dollars (\$1,000) for the first

1 offense and not to exceed two thousand dollars (\$2,000) for the  
2 second or subsequent offense, and with respect to the second or  
3 subsequent offense, shall render the producer ineligible for a gun  
4 show producer license for one year from the date of the  
5 conviction.

6 (3) Multiple violations charged pursuant to paragraph (1)  
7 arising from more than one gun show or event shall be grounds  
8 for suspension of a producer's certificate of eligibility pending  
9 adjudication of the violations.

10 (f) Prior to the commencement of a gun show or event, the  
11 producer thereof shall, upon written request, within 48 hours, or  
12 a later time specified by the requesting law enforcement agency,  
13 make available to the requesting law enforcement agency with  
14 jurisdiction over the facility, a complete and accurate list of all  
15 persons, entities, and organizations that have leased or rented, or  
16 are known to the producer to intend to lease or rent, any table,  
17 display space, or area at the gun show or event for the purpose of  
18 selling, leasing, or transferring firearms.

19 The producer shall thereafter, upon written request, for every  
20 day the gun show or event operates, within 24 hours, or a later  
21 time specified by the requesting law enforcement agency, make  
22 available to the requesting law enforcement agency with  
23 jurisdiction over the facility, an accurate, complete, and current  
24 list of the persons, entities, and organizations that have leased or  
25 rented, or are known to the producer to intend to lease or rent,  
26 any table, display space, or area at the gun show or event for the  
27 purpose of selling, leasing, or transferring firearms.

28 This subdivision applies to persons, entities, and organizations  
29 whether or not they participate in the entire gun show or event, or  
30 only a portion thereof.

31 (g) The information that may be requested by the law  
32 enforcement agency with jurisdiction over the facility, and that  
33 shall be provided by the producer upon request, may include, but  
34 is not limited to, the following information relative to a vendor  
35 who offers for sale firearms manufactured after December 31,  
36 1898: his or her complete name, and a driver's license or  
37 identification card number.

38 (h) The producer and facility manager shall prepare an annual  
39 event and security plan and schedule that shall include, at a  
40 minimum, the following:

1 (1) The type of shows or events including, but not limited to,  
2 antique or general firearms.

3 (2) The estimated number of vendors offering firearms for sale  
4 or display.

5 (3) The estimated number of attendees.

6 (4) The number of entrances and exits at the gun show or  
7 event site.

8 (5) The location, dates, and times of the shows or events.

9 (6) The contact person and telephone number for both the  
10 producer and the facility.

11 (7) The number of sworn peace officers employed by the  
12 producer or the facilities manager who will be present at the  
13 show or event.

14 (8) The number of nonsworn security personnel employed by  
15 the producer or the facility's manager who will be present at the  
16 show or event.

17 (i) The annual event and security plan shall be submitted by  
18 either the producer or the facility's manager to the Department of  
19 Justice and the law enforcement agency with jurisdiction over the  
20 facility. Not later than 15 days prior to the commencement of the  
21 gun show or event, the producer shall submit to the department,  
22 the law enforcement agency with jurisdiction over the facility  
23 site, and the facility's manager a revised event and security plan  
24 if significant changes have been made since the annual plan was  
25 submitted, including a revised list of vendors that the producer  
26 knows, or reasonably should know, will be renting tables, space,  
27 or otherwise participating in the gun show or event. The event  
28 and security plan shall be approved by the facility's manager  
29 prior to the event or show after consultation with the law  
30 enforcement agency with jurisdiction over the facility. No gun  
31 show or event shall commence unless the requirements of this  
32 subdivision are met.

33 (j) The producer shall be responsible for informing prospective  
34 gun show vendors of the requirements of this section and of  
35 Section 12083.7 that apply to vendors.

36 (k) The producer shall, within seven calendar days of the  
37 commencement of the show or event, but not later than noon on  
38 Friday for a show or event held on a weekend, submit a list of all  
39 prospective vendors and designated firearms transfer agents who  
40 are licensed firearms dealers to the Department of Justice for the

1 purpose of determining whether these prospective vendors and  
2 designated firearms transfer agents possess valid licenses and are  
3 thus eligible to participate as licensed dealers at the show or  
4 event. The department shall examine its records and if it  
5 determines that a dealer's license is not valid, it shall notify the  
6 show or event producer of that fact prior to the commencement  
7 of the show or event.

8 (l) If a licensed firearms dealer fails to cooperate with a  
9 producer or fails to comply with the applicable requirements of  
10 this section or Section 12083.7, that person shall not be allowed  
11 to participate in that show or event.

12 (m) If a producer fails to comply with subdivision (j) or (k),  
13 the gun show or event shall not commence until those  
14 requirements are met.

15 (n) All producers shall have written contracts with all gun  
16 show vendors selling firearms at the show or event.

17 (o) The producer shall require that signs be posted in a readily  
18 visible location at each public entrance to the show containing,  
19 but not limited to, the following notices:

20 (1) This gun show follows all federal, state, and local firearms  
21 and weapons laws without exception.

22 (2) All firearms carried onto the premises by members of the  
23 public will be checked, cleared of any ammunition, secured in a  
24 manner that prevents them from being operated, and an  
25 identification tag or sticker will be attached to the firearm prior to  
26 the person being allowed admittance to the show.

27 (3) No member of the public under the age of 18 years shall be  
28 admitted to the show unless accompanied by a parent,  
29 grandparent, or legal guardian.

30 (4) All firearms transfers between private parties at the show  
31 shall be conducted through a licensed dealer in accordance with  
32 applicable state and federal laws.

33 (5) Persons possessing firearms on this facility must have in  
34 their immediate possession government-issued photo  
35 identification, and display it upon request to any security officer  
36 or any peace officer, as defined in Section 830.

37 (p) The show producer shall post, in a readily visible location  
38 at each entrance to the parking lot at the show, signage that  
39 states: "The transfer of firearms on the parking lot of this facility  
40 is a crime."

1 (q) It is the intent of the Legislature that the certificate of  
2 eligibility program established pursuant to this section be  
3 incorporated into the certificate of eligibility program established  
4 pursuant to Section 12071 to the maximum extent practicable.

5 SEC. 12. Section 12071.1 is added to the Penal Code, to read:

6 12071.1. (a) Except as provided in subdivisions (b) and (c),  
7 the business of a licensee shall be conducted only in the buildings  
8 designated in the license. The license or a copy thereof, certified  
9 by the issuing authority, shall be displayed on the premises where  
10 it can easily be seen.

11 (b) A person licensed pursuant to Section 12071 may take  
12 possession of firearms and commence preparation of registers for  
13 the sale, delivery, or transfer of firearms at gun shows or events,  
14 as defined in Section 478.100 of Title 27 of the Code of Federal  
15 Regulations, or its successor, if the gun show or event is not  
16 conducted from any motorized or towed vehicle. A person  
17 conducting business pursuant to this subdivision shall be entitled  
18 to conduct business as authorized herein at any gun show or  
19 event in the state without regard to the jurisdiction within this  
20 state that issued the license pursuant to Section 12071, provided  
21 the person complies with all applicable laws, including, but not  
22 limited to, the waiting period specified in Section 12071.2, and  
23 all applicable local laws, regulations, and fees, if any. A person  
24 conducting business pursuant to this subdivision shall publicly  
25 display his or her license issued pursuant to Section 12071, or a  
26 facsimile thereof, at any gun show or event, as specified in this  
27 subparagraph.

28 (c) A person licensed pursuant to Section 12071 may engage  
29 in the sale and transfer of firearms other than handguns, at events  
30 specified in subdivision (g) of Section 12078, subject to the  
31 prohibitions and restrictions contained in that subdivision. A  
32 person licensed pursuant to Section 12071 also may accept  
33 delivery of firearms other than handguns, outside the building  
34 designated in the license, provided the firearm is being donated  
35 for the purpose of sale or transfer at an auction or similar event  
36 specified in subdivision (g) of Section 12078.

37 (d) The firearm may be delivered to the purchaser, transferee,  
38 or person being loaned the firearm at one of the following places:

39 (1) The building designated in the license.

40 (2) The places specified in subdivision (b) or (c).

1 (3) The place of residence of, the fixed place of business of, or  
2 on private property owned or lawfully possessed by, the  
3 purchaser, transferee, or person being loaned the firearm.

4 (e) No handgun or imitation thereof capable of being  
5 concealed upon the person, or placard advertising the sale or  
6 other transfer thereof, shall be displayed in any part of the  
7 premises licensed pursuant to Section 12071 where it can readily  
8 be seen from the outside.

9 (f) The licensee shall agree to and shall act properly and  
10 promptly in processing firearms transactions pursuant to Section  
11 12082.

12 (g) The licensee shall comply with Sections 12073, 12076, and  
13 12077, subdivisions (a) and (b) and paragraph (1) of subdivision  
14 (f) of Section 12072, and subdivision (a) of Section 12316.

15 (h) The licensee shall offer to provide the purchaser or  
16 transferee of a firearm, or person being loaned a firearm, with a  
17 copy of the pamphlet described in Section 12080 and may add  
18 the cost of the pamphlet, if any, to the sales price of the firearm.

19 (i) The licensee shall not commit an act of collusion as defined  
20 in Section 12072.

21 (j) The licensee shall post conspicuously within the licensed  
22 premises a detailed list of each of the following:

23 (1) All charges required by governmental agencies for  
24 processing firearm transfers required by Sections 12076, 12082,  
25 and 12806.

26 (2) All fees that the licensee charges pursuant to Sections  
27 12082 and 12806.

28 (k) The licensee shall not misstate the amount of fees charged  
29 by a governmental agency pursuant to Sections 12076, 12082,  
30 and 12806.

31 (l) The licensee shall, upon the issuance or renewal of a  
32 license, submit a copy of the same to the Department of Justice.

33 (m) (1) Firearms dealers may require any agent who handles,  
34 sells, or delivers firearms to obtain and provide to the dealer a  
35 certificate of eligibility from the department pursuant Section  
36 12071. The agent or employee shall provide on the application,  
37 the name and California firearms dealer number of the firearms  
38 dealer with whom he or she is employed.

1 (2) The department shall notify the firearms dealer in the event  
2 that the agent or employee who has a certificate of eligibility is  
3 or becomes prohibited from possessing firearms.

4 (3) If the local jurisdiction requires a background check of the  
5 agents or employees of the firearms dealer, the agent or  
6 employee shall obtain a certificate of eligibility pursuant to  
7 Section 12071.

8 (4) Nothing in this section shall be construed to preclude a  
9 local jurisdiction from conducting an additional background  
10 check pursuant to Section 11105 or prohibiting employment  
11 based on criminal history that does not appear as part of  
12 obtaining a certificate of eligibility, provided however, that the  
13 local jurisdiction may not charge a fee for the additional criminal  
14 history check.

15 (n) The licensee shall prohibit any agent who the licensee  
16 knows or reasonably should know is within a class of persons  
17 prohibited from possessing firearms pursuant to Section 12021 or  
18 12021.1 of this code, or Section 8100 or 8103 of the Welfare and  
19 Institutions Code, from coming into contact with any firearm that  
20 is not secured and from accessing any key, combination, code, or  
21 other means to open any of the locking devices described in  
22 Section 12071.6 that are used to make the firearm inoperable.

23 (o) Nothing in this section shall be construed as preventing a  
24 local government from enacting an ordinance imposing  
25 additional conditions on licensees with regard to agents.

26 (p) For purposes of this section, an “agent” is an employee of  
27 the licensee.

28 (q) A license granted pursuant to Section 12071 is subject to  
29 forfeiture for a breach of any of the prohibitions and  
30 requirements of this section.

31 SEC. 13. Section 12071.2 is added to the Penal Code, to read:

32 12071.2. (a) No firearm shall be delivered by a person  
33 licensed pursuant to Section 12071 under any of the following  
34 circumstances:

35 (1) Within 10 days of the application to purchase, or, after  
36 notice by the department pursuant to subdivision (d) of Section  
37 12076, within 10 days of the submission to the department of any  
38 correction to the application, or within 10 days of the submission  
39 to the department of any fee required pursuant to subdivision (e)  
40 of Section 12076, whichever is later.

(2) Unless unloaded and securely wrapped or unloaded and in a locked container.

(3) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.

(4) As used in this article, “clear evidence of his or her identity and age” means either a valid California driver’s license, or a valid California identification card issued by the Department of Motor Vehicles.

(b) No firearm shall be delivered by a person licensed pursuant to Section 12071 whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.

(c) No dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. The firearms dealer shall retain a photocopy of the handgun safety certificate as proof of compliance with this requirement.

(d) No handgun may be delivered unless the purchaser, transferee, or person being loaned the firearm presents documentation indicating that he or she is a California resident. Satisfactory documentation shall include a utility bill from within the last three months, a residential lease, a property deed, or military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the Department of Justice. The firearms dealer shall retain a photocopy of the documentation as proof of compliance with this requirement.

(e) A license granted pursuant to Section 12071 is subject to forfeiture for a breach of any of the prohibitions and requirements of this section.

SEC. 14. Section 12071.3 is added to the Penal Code, to read:

12071.3. (a) Except as authorized by the department, no firearms dealer may deliver a handgun unless the recipient



1 performs a safe handling demonstration with that handgun. The  
2 demonstration shall commence with the handgun unloaded and  
3 locked with the firearm safety device with which it is required to  
4 be delivered, if applicable. While maintaining muzzle awareness,  
5 that is, the firearm is pointed in a safe direction, preferably down  
6 at the ground, and trigger discipline, that is, the trigger finger is  
7 outside of the trigger guard and alongside of the handgun frame,  
8 at all times, the handgun recipient shall correctly and safely  
9 perform the following:

10 (1) If the handgun is a semiautomatic pistol:

11 (A) Remove the magazine.

12 (B) Lock the slide back. If the model of firearm does not allow  
13 the slide to be locked back, pull the slide back, visually and  
14 physically check the chamber to ensure that it is clear.

15 (C) Visually and physically inspect the chamber, to ensure that  
16 the handgun is unloaded.

17 (D) Remove the firearm safety device, if applicable. If the  
18 firearm safety device prevents any of the previous steps, remove  
19 the firearm safety device during the appropriate step.

20 (E) Load one bright orange, red, or other readily identifiable  
21 dummy round into the magazine. If no readily identifiable  
22 dummy round is available, an empty cartridge casing with an  
23 empty primer pocket may be used.

24 (F) Insert the magazine into the magazine well of the firearm.

25 (G) Manipulate the slide release or pull back and release the  
26 slide.

27 (H) Remove the magazine.

28 (I) Visually inspect the chamber to reveal that a round can be  
29 chambered with the magazine removed.

30 (J) Lock the slide back to eject the bright orange, red, or other  
31 readily identifiable dummy round. If the handgun is of a model  
32 that does not allow the slide to be locked back, pull the slide back  
33 and physically check the chamber to ensure that the chamber is  
34 clear. If no readily identifiable dummy round is available, an  
35 empty cartridge casing with an empty primer pocket may be  
36 used.

37 (K) Apply the safety, if applicable.

38 (L) Apply the firearm safety device, if applicable. This  
39 requirement shall not apply to an Olympic competition pistol if  
40 no firearms safety device, other than a cable lock that the

1 department has determined would damage the barrel of the pistol,  
2 has been approved for the pistol, and the pistol is either listed in  
3 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
4 paragraph (3) of subdivision (h) of Section 12132.

5 (2) If the handgun is a double-action revolver:

6 (A) Open the cylinder.

7 (B) Visually and physically inspect each chamber, to ensure  
8 that the revolver is unloaded.

9 (C) Remove the firearm safety device. If the firearm safety  
10 device prevents any of the previous steps, remove the firearm  
11 safety device during the appropriate step.

12 (D) While maintaining muzzle awareness and trigger  
13 discipline, load one bright orange, red, or other readily  
14 identifiable dummy round into a chamber of the cylinder and  
15 rotate the cylinder so that the round is in the next-to-fire position.  
16 If no readily identifiable dummy round is available, an empty  
17 cartridge casing with an empty primer pocket may be used.

18 (E) Close the cylinder.

19 (F) Open the cylinder and eject the round.

20 (G) Visually and physically inspect each chamber to ensure  
21 that the revolver is unloaded.

22 (H) Apply the firearm safety device, if applicable. This  
23 requirement shall not apply to an Olympic competition pistol if  
24 no firearms safety device, other than a cable lock that the  
25 department has determined would damage the barrel of the pistol,  
26 has been approved for the pistol, and the pistol is either listed in  
27 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
28 paragraph (3) of subdivision (h) of Section 12132.

29 (3) If the handgun is a single-action revolver:

30 (A) Open the loading gate.

31 (B) Visually and physically inspect each chamber, to ensure  
32 that the revolver is unloaded.

33 (C) Remove the firearm safety device required to be sold with  
34 the handgun. If the firearm safety device prevents any of the  
35 previous steps, remove the firearm safety device during the  
36 appropriate step.

37 (D) Load one bright orange, red, or other readily identifiable  
38 dummy round into a chamber of the cylinder, close the loading  
39 gate and rotate the cylinder so that the round is in the next-to-fire  
40 position. If no readily identifiable dummy round is available, an

1 empty cartridge casing with an empty primer pocket may be  
2 used.

3 (E) Open the loading gate and unload the revolver.

4 (F) Visually and physically inspect each chamber to ensure  
5 that the revolver is unloaded.

6 (G) Apply the firearm safety device, if applicable. This  
7 requirement shall not apply to an Olympic competition pistol if  
8 no firearms safety device, other than a cable lock that the  
9 department has determined would damage the barrel of the pistol,  
10 has been approved for the pistol, and the pistol is either listed in  
11 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
12 paragraph (3) of subdivision (h) of Section 12132.

13 (b) The recipient shall receive instruction regarding how to  
14 render that handgun safe in the event of a jam.

15 (c) The firearms dealer shall sign and date an affidavit stating  
16 that the requirements of subdivision (a) have been met. The  
17 firearms dealer shall additionally obtain the signature of the  
18 handgun purchaser on the same affidavit. The firearms dealer  
19 shall retain the original affidavit as proof of compliance with this  
20 requirement.

21 (d) The recipient shall perform the safe handling  
22 demonstration for a department certified instructor.

23 (e) No demonstration shall be required if the dealer is  
24 returning the handgun to the owner of the handgun.

25 (f) Department certified instructors who may administer the  
26 safe handling demonstration shall meet the requirements set forth  
27 in subdivision (j) of Section 12804.

28 (g) The persons who are exempt from the requirements of  
29 subdivision (b) of Section 12801, pursuant to Section 12807, are  
30 also exempt from performing the safe handling demonstration.

31 (h) A license granted pursuant to Section 12071 is subject to  
32 forfeiture for a breach of any of the prohibitions and  
33 requirements of this section.

34 SEC. 15. Section 12071.4 of the Penal Code, as added by  
35 Section 3 of Chapter 247 of the Statutes of 1999, is amended and  
36 renumbered to read:

37 12083.7 (a) This section shall be known, and may be cited  
38 as, the Gun Show Enforcement and Security Act of 2000.

39 (b) All gun show or event vendors shall certify in writing to  
40 the producer that they:

1 (1) Will not display, possess, or offer for sale any firearms,  
2 knives, or weapons for which possession or sale is prohibited.

3 (2) Acknowledge that they are responsible for knowing and  
4 complying with all applicable federal, state, and local laws  
5 dealing with the possession and transfer of firearms.

6 (3) Will not engage in activities that incite or encourage hate  
7 crimes.

8 (4) Will process all transfers of firearms through licensed  
9 firearms dealers as required by state law.

10 (5) Will verify that all firearms in their possession at the show  
11 or event will be unloaded, and that the firearms will be secured in  
12 a manner that prevents them from being operated except for brief  
13 periods when the mechanical condition of a firearm is being  
14 demonstrated to a prospective buyer.

15 (6) Have complied with the requirements of subdivision (e).

16 (7) Will not display or possess black powder, or offer it for  
17 sale.

18 (c) All firearms transfers at the gun show or event shall be in  
19 accordance with applicable state and federal laws.

20 (d) Except for purposes of showing ammunition to a  
21 prospective buyer, ammunition at a gun show or event may be  
22 displayed only in closed original factory boxes or other closed  
23 containers.

24 (e) Prior to the commencement of a gun show or event, each  
25 vendor shall provide to the producer all of the following  
26 information relative to the vendor, the vendor's employees, and  
27 other persons, compensated or not, who will be working or  
28 otherwise providing services to the public at the vendor's display  
29 space if firearms manufactured after December 31, 1898, will be  
30 offered for sale:

31 (1) His or her complete name.

32 (2) His or her driver's license or state-issued identification  
33 card number.

34 (3) His or her date of birth.

35 The producer shall keep the information at the show's or  
36 event's onsite headquarters for the duration of the show or event,  
37 and at the producer's regular place of business for two weeks  
38 after the conclusion of the show or event, and shall make the  
39 information available upon request to any sworn peace officer for  
40 purposes of the officer's official law enforcement duties.

1 (f) Vendors and employees of vendors shall wear name tags  
2 indicating first and last name.

3 (g) No person at a gun show or event, other than security  
4 personnel or sworn peace officers, shall possess at the same time  
5 both a firearm and ammunition that is designed to be fired in the  
6 firearm. Vendors having those items at the show for sale or  
7 exhibition are exempt from this prohibition.

8 (h) No member of the public who is under the age of 18 years  
9 shall be admitted to, or be permitted to remain at, a gun show or  
10 event unless accompanied by a parent or legal guardian. Any  
11 member of the public who is under the age of 18 shall be  
12 accompanied by his or her parent, grandparent, or legal guardian  
13 while at the show or event.

14 (i) Persons other than show or event security personnel, sworn  
15 peace officers, or vendors, who bring firearms onto the gun show  
16 or event premises shall sign in ink the tag or sticker that is  
17 attached to the firearm prior to being allowed admittance to the  
18 show or event, as provided for in subdivision (j).

19 (j) All firearms carried onto the premises of a gun show or  
20 event by members of the public shall be checked, cleared of any  
21 ammunition, secured in a manner that prevents them from being  
22 operated, and an identification tag or sticker shall be attached to  
23 the firearm, prior to the person being allowed admittance to the  
24 show. The identification tag or sticker shall state that all firearms  
25 transfers between private parties at the show or event shall be  
26 conducted through a licensed dealer in accordance with  
27 applicable state and federal laws. The person possessing the  
28 firearm shall complete the following information on the tag  
29 before it is attached to the firearm:

30 (1) The gun owner's signature.

31 (2) The gun owner's printed name.

32 (3) The identification number from the gun owner's  
33 government-issued photo identification.

34 (k) All persons possessing firearms at the gun show or event  
35 shall have in his or her immediate possession, government-issued  
36 photo identification, and display it upon request, to any security  
37 officer, or any peace officer.

38 (l) Unless otherwise specified, a first violation of this section  
39 is an infraction. Any second or subsequent violation is a  
40 misdemeanor. Any person who commits an act which he or she

1 knows to be a violation of this section is guilty of a misdemeanor  
2 for a first offense.

3 SEC. 16. Section 12071.4 is added to the Penal Code, to read:

4 12071.4. (a) The licensee shall post conspicuously within the  
5 licensed premises the following warnings in block letters not less  
6 than one inch in height:

7 (1) "IF YOU KEEP A LOADED FIREARM WITHIN ANY  
8 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
9 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
10 USES IT, RESULTING IN INJURY OR DEATH, OR  
11 CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY  
12 OF A MISDEMEANOR OR A FELONY UNLESS YOU  
13 STORED THE FIREARM IN A LOCKED CONTAINER OR  
14 LOCKED THE FIREARM WITH A LOCKING DEVICE, TO  
15 KEEP IT FROM TEMPORARILY FUNCTIONING."

16 (2) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
17 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
18 PERSON, WITHIN ANY PREMISES UNDER YOUR  
19 CUSTODY OR CONTROL, AND A PERSON UNDER 18  
20 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND  
21 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A  
22 MISDEMEANOR, UNLESS YOU STORED THE FIREARM  
23 IN A LOCKED CONTAINER, OR LOCKED THE FIREARM  
24 WITH A LOCKING DEVICE, TO KEEP IT FROM  
25 TEMPORARILY FUNCTIONING."

26 (3) "IF YOU KEEP ANY FIREARM WITHIN ANY  
27 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
28 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
29 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
30 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY  
31 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE  
32 OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS  
33 YOU STORED THE FIREARM IN A LOCKED CONTAINER,  
34 OR LOCKED THE FIREARM WITH A LOCKING DEVICE."

35 (4) "DISCHARGING FIREARMS IN POORLY  
36 VENTILATED AREAS, CLEANING FIREARMS, OR  
37 HANDLING AMMUNITION MAY RESULT IN EXPOSURE  
38 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
39 DEFECTS, REPRODUCTIVE HARM, AND OTHER  
40 SERIOUS PHYSICAL INJURY. HAVE ADEQUATE

1 VENTILATION AT ALL TIMES. WASH HANDS  
2 THOROUGHLY AFTER EXPOSURE.”

3 (5) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
4 DO NOT TAKE PHYSICAL POSSESSION OF THE  
5 FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF  
6 WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL  
7 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
8 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
9 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
10 POSSESSION OF THAT FIREARM.”

11 (6) “NO PERSON SHALL MAKE AN APPLICATION TO  
12 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR  
13 OTHER FIREARM CAPABLE OF BEING CONCEALED  
14 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND  
15 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO  
16 HAS MADE AN APPLICATION TO PURCHASE MORE  
17 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM  
18 CAPABLE OF BEING CONCEALED UPON THE PERSON  
19 WITHIN ANY 30-DAY PERIOD.”

20 (7) “WARNING: THE STATE OF CALIFORNIA HAS  
21 DETERMINED THAT GUNS IN THE HOME ARE MUCH  
22 MORE LIKELY TO BE USED TO KILL OR INJURE A  
23 HOUSEHOLD MEMBER THAN TO PROTECT AGAINST  
24 AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN  
25 THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD  
26 BE KEPT UNLOADED AND SECURELY LOCKED, WITH  
27 THE AMMUNITION LOCKED UP SEPARATELY.”

28 (b) A license granted pursuant to Section 12071 is subject to  
29 forfeiture for a breach of any of the requirements of this section.

30 SEC. 17. Section 12071.5 is added to the Penal Code, to read:

31 12071.5. (a) The licensee shall maintain and make available  
32 for inspection during business hours to any peace officer,  
33 authorized local law enforcement employee, or Department of  
34 Justice employee designated by the Attorney General, upon the  
35 presentation of proper identification, a firearms transaction  
36 record.

37 (b) On the date of receipt, the licensee shall report to the  
38 Department of Justice in a format prescribed by the department  
39 the acquisition by the licensee of the ownership of a handgun.

1 (c) The provisions of this section shall not apply to any of the  
2 following transactions:

3 (1) A transaction subject to the provisions of subdivision (n) of  
4 Section 12078.

5 (2) The dealer acquired the firearm from a wholesaler.

6 (3) The dealer is also licensed as a secondhand dealer pursuant  
7 to Article 4 (commencing with Section 21625) of Chapter 9 of  
8 Division 8 of the Business and Professions Code.

9 (4) The dealer acquired the firearm from a person who is  
10 licensed as a manufacturer or importer to engage in those  
11 activities pursuant to Chapter 44 (commencing with Section 921)  
12 of Title 18 of the United States Code and any regulations issued  
13 pursuant thereto.

14 (5) The dealer acquired the firearm from a person who resides  
15 outside this state who is licensed pursuant to Chapter 44  
16 (commencing with Section 921) of Title 18 of the United States  
17 Code and any regulations issued pursuant thereto.

18 (d) The licensee shall forward in a format prescribed by the  
19 Department of Justice, information as required by the department  
20 on any firearm that is not delivered within the time period set  
21 forth in Section 478.102 (c) of Title 27 of the Code of Federal  
22 Regulations.

23 (e) For purposes of subdivision (a):

24 (1) A “firearms transaction record” is a record containing the  
25 same information referred to in subdivision (a) of Section  
26 478.124, Section 478.124a, and subdivision (e) of Section  
27 478.125 of Title 27 of the Code of Federal Regulations.

28 (2) A licensee shall be in compliance with the provisions of  
29 subdivision (a) if he or she maintains and makes available for  
30 inspection during business hours to any peace officer, authorized  
31 local law enforcement employee, or Department of Justice  
32 employee designated by the Attorney General, upon the  
33 presentation of proper identification, the bound book containing  
34 the same information referred to in Section 478.124a and  
35 subdivision (e) of Section 478.125 of Title 27 of the Code of  
36 Federal Regulations and the records referred to in subdivision (a)  
37 of Section 478.124 of Title 27 of the Code of Federal  
38 Regulations.



1 (f) A license granted pursuant to Section 12071 is subject to  
2 forfeiture for a breach of any of the prohibitions and  
3 requirements of this section.

4 SEC. 18. Section 12071.6 is added to the Penal Code, to read:

5 12071.6. (a) The licensee shall report the loss or theft of any  
6 firearm that is merchandise of the licensee, any firearm that the  
7 licensee takes possession of pursuant to Section 12082, or any  
8 firearm kept at the licensee's place of business within 48 hours of  
9 discovery to the appropriate law enforcement agency in the city,  
10 county, or city and county where the licensee's business premises  
11 are located.

12 (b) Any time when the licensee is not open for business, the  
13 licensee shall store all firearms kept in his or her licensed place  
14 of business using one of the following methods as to each  
15 particular firearm:

16 (1) Store the firearm in a secure facility that is a part of, or that  
17 constitutes, the licensee's business premises.

18 (2) Secure the firearm with a hardened steel rod or cable of at  
19 least one-eighth inch in diameter through the trigger guard of the  
20 firearm. The steel rod or cable shall be secured with a hardened  
21 steel lock that has a shackle. The lock and shackle shall be  
22 protected or shielded from the use of a bolt cutter and the rod or  
23 cable shall be anchored in a manner that prevents the removal of  
24 the firearm from the premises.

25 (3) Store the firearm in a locked fireproof safe or vault in the  
26 licensee's business premises.

27 (c) The licensing authority in an unincorporated area of a  
28 county or within a city may impose security requirements that are  
29 more strict or are at a higher standard than those specified in  
30 subdivision (i).

31 (d) Subdivisions (b) and (c) shall not apply to a licensee  
32 organized as a nonprofit public benefit or mutual benefit  
33 corporation organized pursuant to Part 2 (commencing with  
34 Section 5110) or Part 3 (commencing with Section 7110) of  
35 Division 2 of the Corporations Code, if both of the following  
36 conditions are satisfied:

37 (1) The nonprofit public benefit or mutual benefit corporation  
38 obtained the dealer's license solely and exclusively to assist that  
39 corporation or local chapters of that corporation in conducting  
40 auctions or similar events at which firearms are auctioned off to

1 fund the activities of that corporation or the local chapters of the  
2 corporation.

3 (2) The firearms are not handguns.

4 (e) For purposes of this section, the following definitions shall  
5 apply:

6 (1) “Licensed premises,” “licensed place of business,”  
7 “licensee’s place of business,” or “licensee’s business premises”  
8 means the building designated in the license.

9 (2) “Secured” means a firearm that is made inoperable in one  
10 or more of the following ways:

11 (A) The firearm is inoperable because it is secured by a  
12 firearms safety device listed on the department’s roster of  
13 approved firearms safety devices pursuant to subdivision (d) of  
14 Section 12088 of this chapter.

15 (B) The firearm is stored in a locked gun safe or long-gun safe  
16 which meets the standards for department-approved gun safes set  
17 forth in Section 12088.2.

18 (C) The firearm is stored in a distinct locked room or area in  
19 the building that is used to store firearms that can only be  
20 unlocked by a key, a combination, or similar means.

21 (D) The firearm is secured with a hardened steel rod or cable  
22 that is at least one-eighth of an inch in diameter through the  
23 trigger guard of the firearm. The steel rod or cable shall be  
24 secured with a hardened steel lock that has a shackle. The lock  
25 and shackle shall be protected or shielded from the use of a bolt  
26 cutter and the rod or cable shall be anchored in a manner that  
27 prevents the removal of the firearm from the premises.

28 (3) “Secure facility” means a building that meets all of the  
29 following specifications:

30 (A) All perimeter doorways shall meet one of the following:

31 (i) A windowless steel security door equipped with both a  
32 dead bolt and a doorknob lock.

33 (ii) A windowed metal door that is equipped with both a dead  
34 bolt and a doorknob lock. If the window has an opening of five  
35 inches or more measured in any direction, the window shall be  
36 covered with steel bars of at least one-half inch diameter or metal  
37 grating of at least nine gauge affixed to the exterior or interior of  
38 the door.

39 (iii) A metal grate that is padlocked and affixed to the  
40 licensee’s premises independent of the door and doorframe.

1 (B) All windows are covered with steel bars.

2 (C) Heating, ventilating, air-conditioning, and service  
3 openings are secured with steel bars, metal grating, or an alarm  
4 system.

5 (D) Any metal grates have spaces no larger than six inches  
6 wide measured in any direction.

7 (E) Any metal screens have spaces no larger than three inches  
8 wide measured in any direction.

9 (F) All steel bars shall be no further than six inches apart.

10 (f) Upon written request from a licensee, the licensing  
11 authority may grant an exemption from compliance with the  
12 requirements of subdivision (b) if the licensee is unable to  
13 comply with those requirements because of local ordinances,  
14 covenants, lease conditions, or similar circumstances not under  
15 the control of the licensee.

16 (g) A license granted pursuant to Section 12071 is subject to  
17 forfeiture for a breach of any of the prohibitions and  
18 requirements of this section.

19 SEC. 19. Section 12071.7 is added to the Penal Code, to read:

20 12071.7. (a) Except as otherwise provided in this section,  
21 the Department of Justice shall keep a centralized list of all  
22 persons licensed pursuant to Section 12071, and all persons who  
23 have submitted information pursuant to subdivision (a) of  
24 Section 12083. The department may remove from this list any  
25 person who knowingly or with gross negligence violates this  
26 article. Upon removal of a dealer from this list, notification shall  
27 be provided to local law enforcement and licensing authorities in  
28 the jurisdiction where the dealer's business is located.

29 (b) The department shall remove from the centralized list any  
30 person whose federal firearms license has expired or has been  
31 revoked.

32 (c) Information compiled from the list shall be made available,  
33 upon request, for the following purposes only:

34 (1) For law enforcement purposes.

35 (2) When the information is requested by a person licensed  
36 pursuant to Chapter 44 (commencing with Section 921) of Title  
37 18 of the United States Code for determining the validity of the  
38 license for firearm shipments.

39 (3) When information is requested by a person promoting,  
40 sponsoring, operating, or otherwise organizing a show or event as

1 defined in Section 478.100 of Title 27 of the Code of Federal  
2 Regulations, or its successor, who possesses a valid certificate of  
3 eligibility issued pursuant to Section 12083.5, if that information  
4 is requested by the person to determine the eligibility of a  
5 prospective participant in a gun show or event to conduct  
6 transactions as a firearms dealer pursuant to Section 12071.

7 (d) Information provided pursuant to paragraph (3) of  
8 subdivision (c) shall be limited to information necessary to  
9 corroborate an individual's current license status as being one of  
10 the following:

11 (1) A person licensed pursuant to Section 12071.

12 (2) A person licensed pursuant to Chapter 44 (commencing  
13 with Section 921) of Title 18 of the United States Code and who  
14 is not subject to the requirement that he or she be licensed  
15 pursuant to Section 12071.

16 (e) The department may inspect dealers to ensure compliance  
17 with this article. The department may assess an annual fee, not to  
18 exceed one hundred fifteen dollars (\$115), to cover the  
19 reasonable cost of maintaining the list described in subdivision  
20 (a), including the cost of inspections. Dealers whose place of  
21 business is in a jurisdiction that has adopted an inspection  
22 program to ensure compliance with firearms law shall be exempt  
23 from that portion of the department's fee that relates to the cost  
24 of inspections. The applicant is responsible for providing  
25 evidence to the department that the jurisdiction in which the  
26 business is located has the inspection program.

27 (f) The department shall maintain and make available upon  
28 request information concerning the number of inspections  
29 conducted and the amount of fees collected pursuant to  
30 subdivision (e), a listing of exempted jurisdictions, as defined in  
31 subdivision (e), the number of dealers removed from the  
32 centralized list defined in subdivision (a), and the number of  
33 dealers found to have violated this article with knowledge or  
34 gross negligence.

35 (g) (1) For every verification inquiry made pursuant to  
36 paragraph (1) of subdivision (f) of Section 12072, the department  
37 shall determine whether the intended recipient possesses an  
38 appropriate, valid license issued pursuant to Chapter 44  
39 (commencing with Section 921) of Title 18 of the United States

1 Code and, if applicable, is properly licensed pursuant to this  
2 section.

3 (2) If the intended recipient possesses an appropriate, valid  
4 license issued pursuant to Chapter 44 (commencing with Section  
5 921) of Title 18 of the United States Code, and if applicable, is  
6 properly licensed pursuant to this section, the department shall  
7 immediately provide a unique verification number to the  
8 inquiring party.

9 (3) If the intended recipient does not possess an appropriate,  
10 valid license issued pursuant to Chapter 44 (commencing with  
11 Section 921) of Title 18 of the United States Code, or if  
12 applicable, is not properly licensed pursuant to this section, the  
13 department shall do all of the following:

14 (A) Immediately notify the inquiring party of that fact.

15 (B) Within 24 hours, notify the chief law enforcement officer  
16 of the jurisdiction where the address on the federal firearms  
17 license about which the inquiry was made is located, and notify  
18 an appropriate employee of the federal Bureau of Alcohol,  
19 Tobacco and Firearms, *Firearms, and Explosives* of the denied  
20 verification.

21 SEC. 20. Section 12072 of the Penal Code is amended to  
22 read:

23 12072. (a) (1) No person, corporation, or firm shall  
24 knowingly supply, deliver, sell, or give possession or control of a  
25 firearm to any person within any of the classes prohibited by  
26 Section 12021 or 12021.1.

27 (2) No person, corporation, or dealer shall sell, supply, deliver,  
28 or give possession or control of a firearm to any person whom he  
29 or she has cause to believe to be within any of the classes  
30 prohibited by Section 12021 or 12021.1 of this code or Section  
31 8100 or 8103 of the Welfare and Institutions Code.

32 (3) (A) No person, corporation, or firm shall sell, loan, or  
33 transfer a firearm to a minor, nor sell a handgun to an individual  
34 under 21 years of age.

35 (B) Subparagraph (A) shall not apply to or affect those  
36 circumstances set forth in subdivision (p) of Section 12078.

37 (4) No person, corporation, or dealer shall sell, loan, or  
38 transfer a firearm to any person whom he or she knows or has  
39 cause to believe is not the actual purchaser or transferee of the  
40 firearm, or to any person who is not the person actually being

1 loaned the firearm, if the person, corporation, or dealer has either  
2 of the following:

3 (A) Knowledge that the firearm is to be subsequently loaned,  
4 sold, or transferred to avoid the provisions of subdivision (c) or  
5 (d).

6 (B) Knowledge that the firearm is to be subsequently loaned,  
7 sold, or transferred to avoid the requirements of any exemption to  
8 the provisions of subdivision (c) or (d).

9 (5) No person, corporation, or dealer shall acquire a firearm  
10 for the purpose of selling, transferring, or loaning the firearm, if  
11 the person, corporation, or dealer has either of the following:

12 (A) In the case of a dealer, intent to violate subdivision (b) or  
13 (c).

14 (B) In any other case, intent to avoid either of the following:

15 (i) The provisions of subdivision (d).

16 (ii) The requirements of any exemption to the provisions of  
17 subdivision (d).

18 (6) The dealer shall comply with the provisions of  
19 subdivisions (b) and (c) of Section 12071.5.

20 (7) The dealer shall comply with the provisions of subdivision  
21 (d) of Section 12071.5.

22 (8) No person shall sell or otherwise transfer his or her  
23 ownership in a pistol, revolver, or other firearm capable of being  
24 concealed upon the person unless the firearm bears either:

25 (A) The name of the manufacturer, the manufacturer's make  
26 or model, and a manufacturer's serial number assigned to that  
27 firearm.

28 (B) The identification number or mark assigned to the firearm  
29 by the Department of Justice pursuant to Section 12092.

30 (9) (A) No person shall make an application to purchase more  
31 than one pistol, revolver, or other firearm capable of being  
32 concealed upon the person within any 30-day period.

33 (B) Subparagraph (A) shall not apply to any of the following:

34 (i) Any law enforcement agency.

35 (ii) Any agency duly authorized to perform law enforcement  
36 duties.

37 (iii) Any state or local correctional facility.

38 (iv) Any private security company licensed to do business in  
39 California.

1 (v) Any person who is properly identified as a full-time paid  
2 peace officer, as defined in Chapter 4.5 (commencing with  
3 Section 830) of Title 3 of Part 2, and who is authorized to, and  
4 does carry a firearm during the course and scope of his or her  
5 employment as a peace officer.

6 (vi) Any motion picture, television, or video production  
7 company or entertainment or theatrical company whose  
8 production by its nature involves the use of a firearm.

9 (vii) Any person who may, pursuant to Section 12078, claim  
10 an exemption from the waiting period set forth in subdivision (c)  
11 of this section.

12 (viii) Any transaction conducted through a licensed firearms  
13 dealer pursuant to Section 12082.

14 (ix) Any transaction conducted through a law enforcement  
15 agency pursuant to Section 12084.

16 (x) Any person who is licensed as a collector pursuant to  
17 Chapter 44 (commencing with Section 921) of Title 18 of the  
18 United States Code and the regulations issued pursuant thereto  
19 and who has a current certificate of eligibility issued to him or  
20 her by the Department of Justice pursuant to Section 12071.

21 (xi) The exchange of a pistol, revolver, or other firearm  
22 capable of being concealed upon the person where the dealer  
23 purchased that firearm from the person seeking the exchange  
24 within the 30-day period immediately preceding the date of  
25 exchange or replacement.

26 (xii) The replacement of a pistol, revolver, or other firearm  
27 capable of being concealed upon the person when the person's  
28 pistol, revolver, or other firearm capable of being concealed upon  
29 the person was lost or stolen, and the person reported that firearm  
30 lost or stolen prior to the completion of the application to  
31 purchase to any local law enforcement agency of the city, county,  
32 or city and county in which he or she resides.

33 (xiii) The return of any pistol, revolver, or other firearm  
34 capable of being concealed upon the person to its owner.

35 (b) No person licensed under Section 12071 shall supply, sell,  
36 deliver, or give possession or control of a pistol, revolver, or  
37 firearm capable of being concealed upon the person to any  
38 person under the age of 21 years or any other firearm to a person  
39 under the age of 18 years.

(c) No dealer, whether or not acting pursuant to Section 12082, shall deliver a firearm to a person, as follows:

(1) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(2) Unless unloaded and securely wrapped or unloaded and in a locked container.

(3) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age, as defined in Section 12071.2, to the dealer.

(4) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(5) (A) Commencing April 1, 1994, and until January 1, 2003, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(B) Commencing January 1, 2003, no handgun shall be delivered unless the purchaser, transferee, or person being loaned the handgun presents a handgun safety certificate to the dealer.

(6) No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a pistol, revolver, or other firearm capable of being concealed upon the person and that the previous application to purchase involved none of the entities specified in subparagraph (B) of paragraph (9) of subdivision (a).

(d) Where neither party to the transaction holds a dealer's license issued pursuant to Section 12071, the parties to the transaction shall complete the sale, loan, or transfer of that firearm through either of the following:

(1) A licensed firearms dealer pursuant to Section 12082.

(2) A law enforcement agency pursuant to Section 12084.



1 (e) No person may commit an act of collusion relating to  
2 Article 8 (commencing with Section 12800) of Chapter 6. For  
3 purposes of this section and Section 12071.1, collusion may be  
4 proven by any one of the following factors:

5 (1) Answering a test applicant's questions during an objective  
6 test relating to firearms safety.

7 (2) Knowingly grading the examination falsely.

8 (3) Providing an advance copy of the test to an applicant.

9 (4) Taking or allowing another person to take the basic  
10 firearms safety course for one who is the applicant for a basic  
11 firearms safety certificate or a handgun safety certificate.

12 (5) Allowing another to take the objective test for the  
13 applicant, purchaser, or transferee.

14 (6) Using or allowing another to use one's identification, proof  
15 of residency, or thumbprint.

16 (7) Allowing others to give unauthorized assistance during the  
17 examination.

18 (8) Reference to unauthorized materials during the  
19 examination and cheating by the applicant.

20 (9) Providing originals or photocopies of the objective test, or  
21 any version thereof, to any person other than as authorized by the  
22 department.

23 (f) (1) No person who is licensed pursuant to Chapter 44  
24 (commencing with Section 921) of Title 18 of the United States  
25 Code shall deliver, sell, or transfer a firearm to a person who is  
26 licensed pursuant to Chapter 44 (commencing with Section 921)  
27 of Title 18 of the United States Code and whose licensed  
28 premises are located in this state unless:

29 (A) Prior to January 1, 2005, the intended recipient does one  
30 of the following:

31 (i) Presents proof of licensure pursuant to Section 12071 to  
32 that person.

33 (ii) Presents proof that he or she is exempt from licensure  
34 under Section 12071 to that person, in which case the person also  
35 shall present proof that the transaction is also exempt from the  
36 provisions of subdivision (d).

37 (B) Commencing January 1, 2005, one of the following is  
38 satisfied:

39 (i) The person intending to deliver, sell, or transfer the  
40 firearms obtains from the department, prior to delivery, a unique

1 verification number pursuant to Section 12071.7. The person  
2 intending to deliver, sell, or transfer firearms shall provide the  
3 unique verification number to the recipient along with the  
4 firearms upon delivery, in a manner to be determined by the  
5 department.

6 (ii) The intended recipient presents proof that he or she is  
7 exempt from licensure under Section 12071 to that person, in  
8 which case the person also shall present proof that the transaction  
9 is also exempt from the provisions of subdivision (d).

10 (2) (A) On or after January 1, 1998, within 60 days of  
11 bringing a pistol, revolver, or other firearm capable of being  
12 concealed upon the person into this state, a personal handgun  
13 importer shall do one of the following:

14 (i) Forward by prepaid mail or deliver in person to the  
15 Department of Justice, a report prescribed by the department  
16 including information concerning that individual and a  
17 description of the firearm in question.

18 (ii) Sell or transfer the firearm in accordance with the  
19 provisions of subdivision (d) or in accordance with the provisions  
20 of an exemption from subdivision (d).

21 (iii) Sell or transfer the firearm to a dealer licensed pursuant to  
22 Section 12071.

23 (iv) Sell or transfer the firearm to a sheriff or police  
24 department.

25 (B) If the personal handgun importer sells or transfers the  
26 pistol, revolver, or other firearm capable of being concealed upon  
27 the person pursuant to subdivision (d) of Section 12072 and the  
28 sale or transfer cannot be completed by the dealer to the  
29 purchaser or transferee, and the firearm can be returned to the  
30 personal handgun importer, the personal handgun importer shall  
31 have complied with the provisions of this paragraph.

32 (C) The provisions of this paragraph are cumulative and shall  
33 not be construed as restricting the application of any other law.  
34 However, an act or omission punishable in different ways by this  
35 section and different provisions of the Penal Code shall not be  
36 punished under more than one provision.

37 (D) (i) On and after January 1, 1998, the department shall  
38 conduct a public education and notification program regarding  
39 this paragraph to ensure a high degree of publicity of the  
40 provisions of this paragraph.

1 (ii) As part of the public education and notification program  
2 described in this subparagraph, the department shall do all of the  
3 following:

4 (I) Work in conjunction with the Department of Motor  
5 Vehicles to ensure that any person who is subject to this  
6 paragraph is advised of the provisions of this paragraph, and  
7 provided with blank copies of the report described in clause (i) of  
8 subparagraph (A) at the time that person applies for a California  
9 driver's license or registers his or her motor vehicle in  
10 accordance with the Vehicle Code.

11 (II) Make the reports referred to in clause (i) of subparagraph  
12 (A) available to dealers licensed pursuant to Section 12071.

13 (III) Make the reports referred to in clause (i) of subparagraph  
14 (A) available to law enforcement agencies.

15 (IV) Make persons subject to the provisions of this paragraph  
16 aware of the fact that reports referred to in clause (i) of  
17 subparagraph (A) may be completed at either the licensed  
18 premises of dealers licensed pursuant to Section 12071 or at law  
19 enforcement agencies, that it is advisable to do so for the sake of  
20 accuracy and completeness of the reports, that prior to  
21 transporting a pistol, revolver, or other firearm capable of being  
22 concealed upon the person to a law enforcement agency in order  
23 to comply with subparagraph (A), the person should give prior  
24 notice to the law enforcement agency that he or she is doing so,  
25 and that in any event, the pistol, revolver, or other firearm  
26 capable of being concealed upon the person should be  
27 transported unloaded and in a locked container.

28 (iii) Any costs incurred by the department to implement this  
29 paragraph shall be absorbed by the department within its existing  
30 budget and the fees in the Dealers' Record of Sale Special  
31 Account allocated for implementation of this subparagraph  
32 pursuant to Section 12076.

33 (3) Where a person who is licensed as a collector pursuant to  
34 Chapter 44 (commencing with Section 921) of Title 18 of the  
35 United States Code and the regulations issued pursuant thereto,  
36 whose licensed premises are within this state, acquires a pistol,  
37 revolver, or other firearm capable of being concealed upon the  
38 person that is a curio or relic, as defined in Section 478.11 of  
39 Title 27 of the Code of Federal Regulations, outside of this state,  
40 takes actual possession of that firearm outside of this state

1 pursuant to the provisions of subsection (j) of Section 923 of  
2 Title 18 of the United States Code, as amended by Public Law  
3 104-208, and transports that firearm into this state, within five  
4 days of that licensed collector transporting that firearm into this  
5 state, he or she shall report to the department in a format  
6 prescribed by the department his or her acquisition of that  
7 firearm.

8 (4) (A) It is the intent of the Legislature that a violation of  
9 paragraph (2) or (3) shall not constitute a “continuing offense”  
10 and the statute of limitations for commencing a prosecution for a  
11 violation of paragraph (2) or (3) commences on the date that the  
12 applicable grace period specified in paragraph (2) or (3) expires.

13 (B) Paragraphs (2) and (3) shall not apply to a person who  
14 reports his or her ownership of a pistol, revolver, or other firearm  
15 capable of being concealed upon the person after the applicable  
16 grace period specified in paragraph (2) or (3) expires if evidence  
17 of that violation arises only as the result of the person submitting  
18 the report described in paragraph (2) or (3).

19 (g) (1) Except as provided in paragraph (2), (3), or (5), a  
20 violation of this section is a misdemeanor.

21 (2) If any of the following circumstances apply, a violation of  
22 this section is punishable by imprisonment in the state prison for  
23 two, three, or four years.

24 (A) If the violation is of paragraph (1) of subdivision (a).

25 (B) If the defendant has a prior conviction of violating the  
26 provisions, other than paragraph (9) of subdivision (a), of this  
27 section or former Section 12100 of this code or Section 8101 of  
28 the Welfare and Institutions Code.

29 (C) If the defendant has a prior conviction of violating any  
30 offense specified in subdivision (b) of Section 12021.1 or of a  
31 violation of Section 12020, 12220, or 12520, or of former  
32 Section 12560.

33 (D) If the defendant is in a prohibited class described in  
34 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
35 the Welfare and Institutions Code.

36 (E) A violation of this section by a person who actively  
37 participates in a “criminal street gang” as defined in Section  
38 186.22.

1 (F) A violation of subdivision (b) involving the delivery of any  
2 firearm to a person who the dealer knows, or should know, is a  
3 minor.

4 (3) If any of the following circumstances apply, a violation of  
5 this section shall be punished by imprisonment in a county jail  
6 not exceeding one year or in the state prison, or by a fine not to  
7 exceed one thousand dollars (\$1,000), or by both that fine and  
8 imprisonment.

9 (A) A violation of paragraph (2), (4), or (5) of subdivision (a).

10 (B) A violation of paragraph (3) of subdivision (a) involving  
11 the sale, loan, or transfer of a pistol, revolver, or other firearm  
12 capable of being concealed upon the person to a minor.

13 (C) A violation of subdivision (b) involving the delivery of a  
14 pistol, revolver, or other firearm capable of being concealed upon  
15 the person.

16 (D) A violation of paragraph (1), (3), (4), (5), or (6) of  
17 subdivision (c) involving a pistol, revolver, or other firearm  
18 capable of being concealed upon the person.

19 (E) A violation of subdivision (d) involving a pistol, revolver,  
20 or other firearm capable of being concealed upon the person.

21 (F) A violation of subdivision (e).

22 (4) If both of the following circumstances apply, an additional  
23 term of imprisonment in the state prison for one, two, or three  
24 years shall be imposed in addition and consecutive to the  
25 sentence prescribed.

26 (A) A violation of paragraph (2) of subdivision (a) or  
27 subdivision (b).

28 (B) The firearm transferred in violation of paragraph (2) of  
29 subdivision (a) or subdivision (b) is used in the subsequent  
30 commission of a felony for which a conviction is obtained and  
31 the prescribed sentence is imposed.

32 (5) (A) A first violation of paragraph (9) of subdivision (a) is  
33 an infraction punishable by a fine of fifty dollars (\$50).

34 (B) A second violation of paragraph (9) of subdivision (a) is  
35 an infraction punishable by a fine of one hundred dollars (\$100).

36 (C) A third or subsequent violation of paragraph (9) of  
37 subdivision (a) is a misdemeanor.

38 (D) For purposes of this paragraph each application to  
39 purchase a pistol, revolver, or other firearm capable of being

1 concealed upon the person in violation of paragraph (9) of  
2 subdivision (a) shall be deemed a separate offense.

3 SEC. 21. Section 12076 of the Penal Code is amended to  
4 read:

5 12076. (a) (1) Before January 1, 1998, the Department of  
6 Justice shall determine the method by which a dealer shall submit  
7 firearm purchaser information to the department and the  
8 information shall be in one of the following formats:

9 (A) Submission of the register described in Section 12077.

10 (B) Electronic or telephonic transfer of the information  
11 contained in the register described in Section 12077.

12 (2) On or after January 1, 1998, electronic or telephonic  
13 transfer, including voice or facsimile transmission, shall be the  
14 exclusive means by which purchaser information is transmitted  
15 to the department.

16 (3) On or after January 1, 2003, except as permitted by the  
17 department, electronic transfer shall be the exclusive means by  
18 which information is transmitted to the department. Telephonic  
19 transfer shall not be permitted for information regarding sales of  
20 any firearms.

21 (b) (1) Where the register is used, the purchaser of any  
22 firearm shall be required to present clear evidence of his or her  
23 identity and age, as defined in Section 12071.2, to the dealer, and  
24 the dealer shall require him or her to sign his or her current legal  
25 name and affix his or her residence address and date of birth to  
26 the register in quadruplicate. The salesperson shall affix his or  
27 her signature to the register in quadruplicate as a witness to the  
28 signature and identification of the purchaser. Any person  
29 furnishing a fictitious name or address or knowingly furnishing  
30 any incorrect information or knowingly omitting any information  
31 required to be provided for the register and any person violating  
32 any provision of this section is guilty of a misdemeanor.

33 (2) The original of the register shall be retained by the dealer  
34 in consecutive order. Each book of 50 originals shall become the  
35 permanent register of transactions that shall be retained for not  
36 less than three years from the date of the last transaction and  
37 shall be available for the inspection of any peace officer,  
38 Department of Justice employee designated by the Attorney  
39 General, or agent of the federal Bureau of Alcohol, Tobacco, ~~and~~  
40 ~~Firearms~~ *Firearms, and Explosives* upon the presentation of

1 proper identification, but no information shall be compiled  
2 therefrom regarding the purchasers or other transferees of  
3 firearms that are not pistols, revolvers, or other firearms capable  
4 of being concealed upon the person.

5 (3) Two copies of the original sheet of the register, on the date  
6 of the application to purchase, shall be placed in the mail,  
7 postage prepaid, and properly addressed to the Department of  
8 Justice in Sacramento.

9 (4) If requested, a photocopy of the original shall be provided  
10 to the purchaser by the dealer.

11 (5) If the transaction is one conducted pursuant to Section  
12 12082, a photocopy of the original shall be provided to the seller  
13 by the dealer, upon request.

14 (c) (1) Where the electronic or telephonic transfer of applicant  
15 information is used, the purchaser shall be required to present  
16 clear evidence of his or her identity and age, as defined in  
17 Section 12071.2, to the dealer, and the dealer shall require him or  
18 her to sign his or her current legal name to the record of  
19 electronic or telephonic transfer. The salesperson shall affix his  
20 or her signature to the record of electronic or telephonic transfer  
21 as a witness to the signature and identification of the purchaser.  
22 Any person furnishing a fictitious name or address or knowingly  
23 furnishing any incorrect information or knowingly omitting any  
24 information required to be provided for the electronic or  
25 telephonic transfer and any person violating any provision of this  
26 section is guilty of a misdemeanor.

27 (2) The record of applicant information shall be transmitted to  
28 the Department of Justice in Sacramento by electronic or  
29 telephonic transfer on the date of the application to purchase.

30 (3) The original of each record of electronic or telephonic  
31 transfer shall be retained by the dealer in consecutive order. Each  
32 original shall become the permanent record of the transaction that  
33 shall be retained for not less than three years from the date of the  
34 last transaction and shall be provided for the inspection of any  
35 peace officer, Department of Justice employee designated by the  
36 Attorney General, or agent of the federal Bureau of Alcohol,  
37 Tobacco, ~~and Firearms~~ *Firearms, and Explosives*, upon the  
38 presentation of proper identification, but no information shall be  
39 compiled therefrom regarding the purchasers or other transferees

1 of firearms that are not pistols, revolvers, or other firearms  
2 capable of being concealed upon the person.

3 (4) If requested, a copy of the record of electronic or  
4 telephonic transfer shall be provided to the purchaser by the  
5 dealer.

6 (5) If the transaction is one conducted pursuant to Section  
7 12082, a copy shall be provided to the seller by the dealer, upon  
8 request.

9 (d) (1) The department shall examine its records, as well as  
10 those records that it is authorized to request from the State  
11 Department of Mental Health pursuant to Section 8104 of the  
12 Welfare and Institutions Code, in order to determine if the  
13 purchaser is a person described in Section 12021, 12021.1, or  
14 subparagraph (A) of paragraph (9) of subdivision (a) of Section  
15 12072 of this code or Section 8100 or 8103 of the Welfare and  
16 Institutions Code.

17 (2) To the extent that funding is available, the Department of  
18 Justice may participate in the National Instant Criminal  
19 Background Check System (NICS), as described in subsection (t)  
20 of Section 922 of Title 18 of the United States Code, and, if that  
21 participation is implemented, shall notify the dealer and the chief  
22 of the police department of the city or city and county in which  
23 the sale was made, or if the sale was made in a district in which  
24 there is no municipal police department, the sheriff of the county  
25 in which the sale was made, that the purchaser is a person  
26 prohibited from acquiring a firearm under federal law.

27 (3) If the department determines that the purchaser is a person  
28 described in Section 12021, 12021.1, or subparagraph (A) of  
29 paragraph (9) of subdivision (a) of Section 12072 of this code or  
30 Section 8100 or 8103 of the Welfare and Institutions Code, it  
31 shall immediately notify the dealer and the chief of the police  
32 department of the city or city and county in which the sale was  
33 made, or if the sale was made in a district in which there is no  
34 municipal police department, the sheriff of the county in which  
35 the sale was made, of that fact.

36 (4) If the department determines that the copies of the register  
37 submitted to it pursuant to paragraph (3) of subdivision (b)  
38 contain any blank spaces or inaccurate, illegible, or incomplete  
39 information, preventing identification of the purchaser or the  
40 pistol, revolver, or other firearm to be purchased, or if any fee



required pursuant to subdivision (e) is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to subdivision (e), or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071.2 and 12072.

(5) If the department determines that the information transmitted to it pursuant to subdivision (c) contains inaccurate or incomplete information preventing identification of the purchaser or the pistol, revolver, or other firearm capable of being concealed upon the person to be purchased, or if the fee required pursuant to subdivision (e) is not transmitted by the dealer in conjunction with transmission of the electronic or telephonic record, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall transmit corrections to the record of electronic or telephonic transfer to the department, or shall transmit any fee required pursuant to subdivision (e), or both, as appropriate, and if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071.2 and 12072.

(e) The Department of Justice may require the dealer to charge each firearm purchaser a fee not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations. The fee shall be no more than is necessary to fund the following:

(1) (A) The department for the cost of furnishing this information.

(B) The department for the cost of meeting its obligations under paragraph (2) of subdivision (b) of Section 8100 of the Welfare and Institutions Code.

(2) Local mental health facilities for state-mandated local costs resulting from the reporting requirements imposed by Section 8103 of the Welfare and Institutions Code.

1 (3) The State Department of Mental Health for the costs  
2 resulting from the requirements imposed by Section 8104 of the  
3 Welfare and Institutions Code.

4 (4) Local mental hospitals, sanitariums, and institutions for  
5 state-mandated local costs resulting from the reporting  
6 requirements imposed by Section 8105 of the Welfare and  
7 Institutions Code.

8 (5) Local law enforcement agencies for state-mandated local  
9 costs resulting from the notification requirements set forth in  
10 subdivision (a) of Section 6385 of the Family Code.

11 (6) Local law enforcement agencies for state-mandated local  
12 costs resulting from the notification requirements set forth in  
13 subdivision (c) of Section 8105 of the Welfare and Institutions  
14 Code.

15 (7) For the actual costs associated with the electronic or  
16 telephonic transfer of information pursuant to subdivision (c).

17 (8) The Department of Food and Agriculture for the costs  
18 resulting from the notification provisions set forth in Section  
19 5343.5 of the Food and Agricultural Code.

20 (9) The department for the costs associated with subparagraph  
21 (D) of paragraph (2) of subdivision (f) of Section 12072.

22 (10) The department for the costs associated with funding  
23 Department of Justice firearms-related regulatory and  
24 enforcement activities related to the sale, purchase, loan, or  
25 transfer of firearms pursuant to this chapter.

26 The fee established pursuant to this subdivision shall not  
27 exceed the sum of the actual processing costs of the department,  
28 the estimated reasonable costs of the local mental health facilities  
29 for complying with the reporting requirements imposed by  
30 paragraph (2) of this subdivision, the costs of the State  
31 Department of Mental Health for complying with the  
32 requirements imposed by paragraph (3) of this subdivision, the  
33 estimated reasonable costs of local mental hospitals, sanitariums,  
34 and institutions for complying with the reporting requirements  
35 imposed by paragraph (4) of this subdivision, the estimated  
36 reasonable costs of local law enforcement agencies for  
37 complying with the notification requirements set forth in  
38 subdivision (a) of Section 6385 of the Family Code, the  
39 estimated reasonable costs of local law enforcement agencies for  
40 complying with the notification requirements set forth in

subdivision (c) of Section 8105 of the Welfare and Institutions Code imposed by paragraph (6) of this subdivision, the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code, the estimated reasonable costs of the department for the costs associated with subparagraph (D) of paragraph (2) of subdivision (f) of Section 12072, and the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to this chapter.

(f) (1) The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations:

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078 if neither a dealer nor a law enforcement agency acting pursuant to Section 12084 is filing the form or report.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department by a dealer or of the submission of a LEFT to the department by a law enforcement agency acting pursuant to Section 12084 if the waiting period described in Sections 12071.2, 12072, and 12084 does not apply.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (l) of Section 12078 or subdivision (b) of Section 12071.5, or clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, or paragraph (3) of subdivision (f) of Section 12072.

(D) For the actual costs associated with the electronic or telephonic transfer of information pursuant to subdivision (c).

(2) If the department charges a fee pursuant to subparagraph (B) of paragraph (1) of this subdivision, it shall be charged in the same amount to all categories of transaction that are within that subparagraph.

(3) Any costs incurred by the Department of Justice to implement this subdivision shall be reimbursed from fees collected and charged pursuant to this subdivision. No fees shall be charged to the dealer pursuant to subdivision (e) or to a law enforcement agency acting pursuant to paragraph (6) of subdivision (d) of Section 12084 for costs incurred for implementing this subdivision.

(g) All money received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to this section, paragraph (1) and subparagraph (D) of paragraph (2) of subdivision (f) of Section 12072, Sections 12083 and 12099, subdivision (c) of Section 12131, Sections 12234, 12289, and 12289.5, and subdivisions (f) and (g) of Section 12305.

(h) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be used for the submission of the fees described in subdivision (e) to the department.

(i) (1) Only one fee shall be charged pursuant to this section for a single transaction on the same date for the sale of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person or for the taking of possession of those firearms.

(2) In a single transaction on the same date for the delivery of any number of firearms that are pistols, revolvers, or other firearms capable of being concealed upon the person, the department shall charge a reduced fee pursuant to this section for the second and subsequent firearms that are part of that transaction.

(j) Only one fee shall be charged pursuant to this section for a single transaction on the same date for taking title or possession of any number of firearms pursuant to subdivision (b) of Section 12071.5 or subdivision (c) or (i) of Section 12078.

(k) Whenever the Department of Justice acts pursuant to this section as it pertains to firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, the department's acts or omissions shall be deemed to be discretionary within the meaning of the California Tort Claims

1 Act pursuant to Division 3.6 (commencing with Section 810) of  
2 Title 1 of the Government Code.

3 (I) All sales contracts shall have conspicuously printed on the  
4 first page, the following warning:

5 “Warning: The State of California has determined that guns in  
6 the home are much more likely to be used to kill or injure a  
7 household member than to protect against an attacker. It is safest  
8 not to keep a gun in the home. If a gun is kept in the home, it  
9 should be kept unloaded and securely locked, with the  
10 ammunition locked up separately.”

11 (m) As used in this section, the following definitions apply:

12 (1) “Purchaser” means the purchaser or transferee of a firearm  
13 or a person being loaned a firearm.

14 (2) “Purchase” means the purchase, loan, or transfer of a  
15 firearm.

16 (3) “Sale” means the sale, loan, or transfer of a firearm.

17 (4) “Seller” means, if the transaction is being conducted  
18 pursuant to Section 12082, the person selling, loaning, or  
19 transferring the firearm.

20 SEC. 22. Section 12078 of the Penal Code is amended to  
21 read:

22 12078. (a) (1) The waiting periods described in Sections  
23 12071.2, 12072, and 12084 shall not apply to deliveries,  
24 transfers, or sales of firearms made to persons properly identified  
25 as full-time paid peace officers as defined in Chapter 4.5  
26 (commencing with Section 830) of Title 3 of Part 2, provided  
27 that the peace officers are authorized by their employer to carry  
28 firearms while in the performance of their duties. Proper  
29 identification is defined as verifiable written certification from  
30 the head of the agency by which the purchaser or transferee is  
31 employed, identifying the purchaser or transferee as a peace  
32 officer who is authorized to carry firearms while in the  
33 performance of his or her duties, and authorizing the purchase or  
34 transfer. The certification shall be delivered to the dealer or local  
35 law enforcement agency acting pursuant to Section 12084 at the  
36 time of purchase or transfer and the purchaser or transferee shall  
37 identify himself or herself as the person authorized in the  
38 certification. The dealer or local law enforcement agency shall  
39 keep the certification with the record of sale, or LEFT, as the  
40 case may be. On the date that the delivery, sale, or transfer is

1 made, the dealer delivering the firearm or the law enforcement  
2 agency processing the transaction pursuant to Section 12084  
3 shall forward by prepaid mail to the Department of Justice a  
4 report of the transaction pursuant to subdivision (b) or (c) of  
5 Section 12077 or Section 12084. If electronic or telephonic  
6 transfer of applicant information is used, on the date that the  
7 application to purchase is completed, the dealer delivering the  
8 firearm shall transmit to the Department of Justice an electronic  
9 or telephonic report of the transaction as is indicated in  
10 subdivision (b) or (c) of Section 12077.

11 (2) Subdivision (b) of Section 12801 and the preceding  
12 provisions of this article do not apply to deliveries, transfers, or  
13 sales of firearms made to authorized law enforcement  
14 representatives of cities, counties, cities and counties, or state or  
15 federal governments for exclusive use by those governmental  
16 agencies if, prior to the delivery, transfer, or sale of these  
17 firearms, written authorization from the head of the agency  
18 authorizing the transaction is presented to the person from whom  
19 the purchase, delivery, or transfer is being made. Proper written  
20 authorization is defined as verifiable written certification from  
21 the head of the agency by which the purchaser or transferee is  
22 employed, identifying the employee as an individual authorized  
23 to conduct the transaction, and authorizing the transaction for the  
24 exclusive use of the agency by which he or she is employed.  
25 Within 10 days of the date a handgun is acquired by the agency,  
26 a record of the same shall be entered as an institutional weapon  
27 into the Automated Firearms System (AFS) via the California  
28 Law Enforcement Telecommunications System (CLETS) by the  
29 law enforcement or state agency. Those agencies without access  
30 to AFS shall arrange with the sheriff of the county in which the  
31 agency is located to input this information via this system.

32 (3) Subdivision (b) of Section 12801 and the preceding  
33 provisions of this article do not apply to the loan of a firearm  
34 made by an authorized law enforcement representative of a city,  
35 county, or city and county, or the state or federal government to a  
36 peace officer employed by that agency and authorized to carry a  
37 firearm for the carrying and use of that firearm by that peace  
38 officer in the course and scope of his or her duties.

39 (4) Subdivision (b) of Section 12801 and the preceding  
40 provisions of this article do not apply to the delivery, sale, or

1 transfer of a firearm by a law enforcement agency to a peace  
2 officer pursuant to Section 10334 of the Public Contract Code.  
3 Within 10 days of the date that a handgun is sold, delivered, or  
4 transferred pursuant to Section 10334 of the Public Contract  
5 Code to that peace officer, the name of the officer and the make,  
6 model, serial number, and other identifying characteristics of the  
7 firearm being sold, transferred, or delivered shall be entered into  
8 the Automated Firearms System (AFS) via the California Law  
9 Enforcement Telecommunications System (CLETS) by the law  
10 enforcement or state agency that sold, transferred, or delivered  
11 the firearm. Those agencies without access to AFS shall arrange  
12 with the sheriff of the county in which the agency is located to  
13 input this information via this system.

14 (5) Subdivision (b) of Section 12801 and the preceding  
15 provisions of this article do not apply to the delivery, sale, or  
16 transfer of a firearm by a law enforcement agency to a retiring  
17 peace officer who is authorized to carry a firearm pursuant to  
18 Section 12027.1. Within 10 days of the date that a handgun is  
19 sold, delivered, or transferred to that retiring peace officer, the  
20 name of the officer and the make, model, serial number, and  
21 other identifying characteristics of the firearm being sold,  
22 transferred, or delivered shall be entered into the Automated  
23 Firearms System (AFS) via the California Law Enforcement  
24 Telecommunications System (CLETS) by the law enforcement or  
25 state agency that sold, transferred, or delivered the firearm.  
26 Those agencies without access to AFS shall arrange with the  
27 sheriff of the county in which the agency is located to input this  
28 information via this system.

29 (6) Subdivision (d) of Section 12072 and subdivision (b) of  
30 Section 12801 do not apply to sales, deliveries, or transfers of  
31 firearms to authorized representatives of cities, cities and  
32 counties, counties, or state or federal governments for those  
33 governmental agencies where the entity is acquiring the weapon  
34 as part of an authorized, voluntary program where the entity is  
35 buying or receiving weapons from private individuals. Any  
36 weapons acquired pursuant to this paragraph shall be disposed of  
37 pursuant to the applicable provisions of Section 12028 or 12032.

38 (7) Subdivision (d) of Section 12072 and subdivision (b) of  
39 Section 12801 shall not apply to the sale, loan, delivery, or  
40 transfer of a firearm made by an authorized law enforcement

1 representative of a city, county, city and county, state, or the  
2 federal government to any public or private nonprofit historical  
3 society, museum, or institutional collection or the purchase or  
4 receipt of that firearm by that public or private nonprofit  
5 historical society, museum, or institutional collection if all of the  
6 following conditions are met:

7 (A) The entity receiving the firearm is open to the public.

8 (B) The firearm prior to delivery is deactivated or rendered  
9 inoperable.

10 (C) The firearm is not subject to Section 12028, 12028.5,  
11 12030, or 12032.

12 (D) The firearm is not prohibited by other provisions of law  
13 from being sold, delivered, or transferred to the public at large.

14 (E) Prior to delivery, the entity receiving the firearm submits a  
15 written statement to the law enforcement representative stating  
16 that the firearm will not be restored to operating condition, and  
17 will either remain with that entity, or if subsequently disposed of,  
18 will be transferred in accordance with the applicable provisions  
19 of this article and, if applicable, Section 12801.

20 (F) Within 10 days of the date that the firearm is sold, loaned,  
21 delivered, or transferred to that entity, the name of the  
22 government entity delivering the firearm, and the make, model,  
23 serial number, and other identifying characteristics of the firearm  
24 and the name of the person authorized by the entity to take  
25 possession of the firearm shall be reported to the department in a  
26 manner prescribed by the department.

27 (G) In the event of a change in the status of the designated  
28 representative, the entity shall notify the department of a new  
29 representative within 30 days.

30 (8) Subdivision (d) of Section 12072 and subdivision (b) of  
31 Section 12801 shall not apply to the sale, loan, delivery, or  
32 transfer of a firearm made by any person other than a  
33 representative of an authorized law enforcement agency to any  
34 public or private nonprofit historical society, museum, or  
35 institutional collection if all of the following conditions are met:

36 (A) The entity receiving the firearm is open to the public.

37 (B) The firearm is deactivated or rendered inoperable prior to  
38 delivery.

39 (C) The firearm is not of a type prohibited from being sold,  
40 delivered, or transferred to the public.



(D) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions of this article and, if applicable, Section 12801.

(E) If title to a handgun is being transferred to the public or private nonprofit historical society, museum, or institutional collection, then the designated representative of that public or private historical society, museum or institutional collection within 30 days of taking possession of that handgun, shall forward by prepaid mail or deliver in person to the Department of Justice, a single report signed by both parties to the transaction, that includes information identifying the person representing that public or private historical society, museum, or institutional collection, how title was obtained and from whom, and a description of the firearm in question, along with a copy of the written statement referred to in subparagraph (D). The report forms that are to be completed pursuant to this paragraph shall be provided by the Department of Justice.

(F) In the event of a change in the status of the designated representative, the entity shall notify the department of a new representative within 30 days.

(b) (1) Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to deliveries, sales, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(2) Subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of a handgun to a person licensed pursuant to Section 12071, where the licensee is receiving the handgun in the course and scope of his or her activities as a person licensed pursuant to Section 12071.

(c) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a firearm that is not a handgun by gift, bequest, intestate succession, or other means by one individual to

1 another if both individuals are members of the same immediate  
2 family.

3 (2) Subdivision (d) of Section 12072 shall not apply to the  
4 infrequent transfer of a handgun by gift, bequest, intestate  
5 succession, or other means by one individual to another if both  
6 individuals are members of the same immediate family and both  
7 of the following conditions are met:

8 (A) The person to whom the firearm is transferred shall,  
9 within 30 days of taking possession of the firearm, forward by  
10 prepaid mail or deliver in person to the Department of Justice, a  
11 report that includes information concerning the individual taking  
12 possession of the firearm, how title was obtained and from  
13 whom, and a description of the firearm in question. The report  
14 forms that individuals complete pursuant to this paragraph shall  
15 be provided to them by the Department of Justice.

16 (B) The person taking title to the firearm shall first obtain a  
17 handgun safety certificate.

18 (C) The person receiving the firearm is 18 years of age or  
19 older.

20 (3) As used in this subdivision, “immediate family member”  
21 means any one of the following relationships:

22 (A) Parent and child.

23 (B) Grandparent and grandchild.

24 (d) (1) Subdivision (d) of Section 12072 shall not apply to the  
25 infrequent loan of firearms between persons who are personally  
26 known to each other for any lawful purpose, if the loan does not  
27 exceed 30 days in duration and, when the firearm is a handgun,  
28 commencing January 1, 2003, the individual being loaned the  
29 handgun has a valid handgun safety certificate.

30 (2) Subdivision (d) of Section 12072, and subdivision (b) of  
31 Section 12801 shall not apply to the loan of a firearm where all  
32 of the following conditions exist:

33 (A) The person loaning the firearm is at all times within the  
34 presence of the person being loaned the firearm.

35 (B) The loan is for a lawful purpose.

36 (C) The loan does not exceed three days in duration.

37 (D) The individual receiving the firearm is not prohibited from  
38 owning or possessing a firearm pursuant to Section 12021 or  
39 12021.1 of this code, or by Section 8100 or 8103 of the Welfare  
40 and Institutions Code.

1 (E) The person loaning the firearm is 18 years of age or older.

2 (F) The person being loaned the firearm is 18 years of age or  
3 older.

4 (e) Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5,  
5 subdivisions (c) and (d) of Section 12072, and subdivision (b) of  
6 Section 12801 shall not apply to the delivery of a firearm to a  
7 gunsmith for service or repair, or to the return of the firearm to  
8 its owner by the gunsmith.

9 (f) Subdivision (d) of Section 12072 and subdivision (b) of  
10 Section 12801 shall not apply to the sale, delivery, or transfer of  
11 firearms by persons who reside in this state to persons who reside  
12 outside this state who are licensed pursuant to Chapter 44  
13 (commencing with Section 921) of Title 18 of the United States  
14 Code and the regulations issued pursuant thereto, if the sale,  
15 delivery, or transfer is in accordance with Chapter 44  
16 (commencing with Section 921) of Title 18 of the United States  
17 Code and the regulations issued pursuant thereto.

18 (g) (1) Subdivision (d) of Section 12072 shall not apply to the  
19 infrequent sale or transfer of a firearm, other than a handgun, at  
20 auctions or similar events conducted by nonprofit mutual or  
21 public benefit corporations organized pursuant to the  
22 Corporations Code.

23 As used in this paragraph, the term “infrequent” shall not be  
24 construed to prohibit different local chapters of the same  
25 nonprofit corporation from conducting auctions or similar events,  
26 provided the individual local chapter conducts the auctions or  
27 similar events infrequently. It is the intent of the Legislature that  
28 different local chapters, representing different localities, be  
29 entitled to invoke the exemption created by this paragraph,  
30 notwithstanding the frequency with which other chapters of the  
31 same nonprofit corporation may conduct auctions or similar  
32 events.

33 (2) Subdivision (d) of Section 12072 shall not apply to the  
34 transfer of a firearm other than a handgun, if the firearm is  
35 donated for an auction or similar event described in paragraph (1)  
36 and the firearm is delivered to the nonprofit corporation  
37 immediately preceding, or contemporaneous with, the auction or  
38 similar event.

39 (3) The waiting period described in Sections 12071.2 and  
40 12072 shall not apply to a dealer who delivers a firearm other

1 than a handgun at an auction or similar event described in  
2 paragraph (1), as authorized by Section 12071.1. Within two  
3 business days of completion of the application to purchase, the  
4 dealer shall forward by prepaid mail to the Department of Justice  
5 a report of the same as is indicated in subdivision (c) of Section  
6 12077. If the electronic or telephonic transfer of applicant  
7 information is used, within two business days of completion of  
8 the application to purchase, the dealer delivering the firearm shall  
9 transmit to the Department of Justice an electronic or telephonic  
10 report of the same as is indicated in subdivision (c) of Section  
11 12077.

12 (h) Subdivision (d) of Section 12072 and subdivision (b) of  
13 Section 12801 shall not apply to the loan of a firearm to a person  
14 18 years of age or older for the purposes of shooting at targets if  
15 the loan occurs on the premises of a target facility that holds a  
16 business or regulatory license or on the premises of any club or  
17 organization organized for the purposes of practicing shooting at  
18 targets upon established ranges, whether public or private, if the  
19 firearm is at all times kept within the premises of the target range  
20 or on the premises of the club or organization.

21 (i) (1) Subdivision (d) of Section 12072 shall not apply to a  
22 person who takes title or possession of a firearm that is not a  
23 handgun by operation of law if the person is not prohibited by  
24 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of  
25 the Welfare and Institutions Code from possessing firearms.

26 (2) Subdivision (d) of Section 12072 shall not apply to a  
27 person who takes title or possession of a handgun by operation of  
28 law if the person is not prohibited by Section 12021 or 12021.1  
29 of this code or Section 8100 or 8103 of the Welfare and  
30 Institutions Code from possessing firearms and all of the  
31 following conditions are met:

32 (A) If the person taking title or possession is neither a levying  
33 officer as defined in Section 481.140, 511.060, or 680.210 of the  
34 Code of Civil Procedure, nor a person who is receiving that  
35 firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2)  
36 of subdivision (u), the person shall, within 30 days of taking  
37 possession, forward by prepaid mail or deliver in person to the  
38 Department of Justice, a report of information concerning the  
39 individual taking possession of the firearm, how title or  
40 possession was obtained and from whom, and a description of the

1 firearm in question. The reports that individuals complete  
2 pursuant to this paragraph shall be provided to them by the  
3 department.

4 (B) If the person taking title or possession is receiving the  
5 firearm pursuant to subparagraph (G) of paragraph (2) of  
6 subdivision (u), the person shall do both of the following:

7 (i) Within 30 days of taking possession, forward by prepaid  
8 mail or deliver in person to the department, a report of  
9 information concerning the individual taking possession of the  
10 firearm, how title or possession was obtained and from whom,  
11 and a description of the firearm in question. The reports that  
12 individuals complete pursuant to this paragraph shall be provided  
13 to them by the department.

14 (ii) Prior to taking title or possession of the firearm, the person  
15 shall obtain a handgun safety certificate.

16 (C) Where the person receiving title or possession of the  
17 handgun is a person described in subparagraph (I) of paragraph  
18 (2) of subdivision (u), on the date that the person is delivered the  
19 firearm, the name and other information concerning the person  
20 taking possession of the firearm, how title or possession of the  
21 firearm was obtained and from whom, and a description of the  
22 firearm by make, model, serial number, and other identifying  
23 characteristics, shall be entered into the Automated Firearms  
24 System (AFS) via the California Law Enforcement  
25 Telecommunications System (CLETS) by the law enforcement or  
26 state agency that transferred or delivered the firearm. Those  
27 agencies without access to AFS shall arrange with the sheriff of  
28 the county in which the agency is located to input this  
29 information via this system.

30 (D) Where the person receiving title or possession of the  
31 handgun is a person described in subparagraph (J) of paragraph  
32 (2) of subdivision (u), on the date that the person is delivered the  
33 firearm, the name and other information concerning the person  
34 taking possession of the firearm, how title or possession of the  
35 firearm was obtained and from whom, and a description of the  
36 firearm by make, model, serial number, and other identifying  
37 characteristics, shall be entered into the AFS via the CLETS by  
38 the law enforcement or state agency that transferred or delivered  
39 the firearm. Those agencies without access to AFS shall arrange  
40 with the sheriff of the county in which the agency is located to

1 input this information via this system. In addition, that law  
2 enforcement agency shall not deliver that handgun to the person  
3 referred to in this subparagraph unless, prior to the delivery of  
4 the same, the person presents proof to the agency that he or she is  
5 the holder of a handgun safety certificate.

6 (3) Subdivision (d) of Section 12072 shall not apply to a  
7 person who takes possession of a firearm by operation of law in a  
8 representative capacity who subsequently transfers ownership of  
9 the firearm to himself or herself in his or her individual capacity.  
10 In the case of a handgun, the individual shall obtain a handgun  
11 safety certificate prior to transferring ownership to himself or  
12 herself, or taking possession of a handgun in an individual  
13 capacity.

14 (j) Subdivision (d) of Section 12072 and subdivision (b) of  
15 Section 12801 shall not apply to deliveries, transfers, or returns  
16 of firearms made pursuant to Section 12028, 12028.5, or 12030.

17 (k) Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5,  
18 subdivision (c) of Section 12072, and subdivision (b) of Section  
19 12801 shall not apply to any of the following:

20 (1) The delivery, sale, or transfer of unloaded firearms that are  
21 not handguns by a dealer to another dealer upon proof of  
22 compliance with the requirements of paragraph (1) of subdivision  
23 (f) of Section 12072.

24 (2) The delivery, sale, or transfer of unloaded firearms by  
25 dealers to persons who reside outside this state who are licensed  
26 pursuant to Chapter 44 (commencing with Section 921) of Title  
27 18 of the United States Code and the regulations issued pursuant  
28 thereto.

29 (3) The delivery, sale, or transfer of unloaded firearms to a  
30 wholesaler if the firearms are being returned to the wholesaler  
31 and are intended as merchandise in the wholesaler's business.

32 (4) The delivery, sale, or transfer of unloaded firearms by one  
33 dealer to another dealer if the firearms are intended as  
34 merchandise in the receiving dealer's business upon proof of  
35 compliance with the requirements of paragraph (1) of subdivision  
36 (f) of Section 12072.

37 (5) The delivery, sale, or transfer of an unloaded firearm that  
38 is not a handgun by a dealer to himself or herself.

39 (6) The loan of an unloaded firearm by a dealer who also  
40 operates a target facility that holds a business or regulatory

1 license on the premises of the building designated in the license  
2 or whose building designated in the license is on the premises of  
3 any club or organization organized for the purposes of practicing  
4 shooting at targets upon established ranges, whether public or  
5 private, to a person at that target facility or that club or  
6 organization, if the firearm is at all times kept within the  
7 premises of the target range or on the premises of the club or  
8 organization.

9 (l) A person who is exempt from subdivision (d) of Section  
10 12072 or is otherwise not required by law to report his or her  
11 acquisition, ownership, or disposal of a handgun or who moves  
12 out of this state with his or her handgun may submit a report of  
13 the same to the Department of Justice in a format prescribed by  
14 the department.

15 (m) Subdivision (d) of Section 12072 and subdivision (b) of  
16 Section 12801 shall not apply to the delivery, sale, or transfer of  
17 unloaded firearms to a wholesaler as merchandise in the  
18 wholesaler's business by manufacturers or importers licensed to  
19 engage in that business pursuant to Chapter 44 (commencing  
20 with Section 921) of Title 18 of the United States Code and the  
21 regulations issued pursuant thereto, or by another wholesaler, if  
22 the delivery, sale, or transfer is made in accordance with Chapter  
23 44 (commencing with Section 921) of Title 18 of the United  
24 States Code.

25 (n) (1) The waiting period described in Section 12071.2 or  
26 12072 shall not apply to the delivery, sale, or transfer of a  
27 handgun by a dealer in either of the following situations:

28 (A) The dealer is delivering the firearm to another dealer and  
29 it is not intended as merchandise in the receiving dealer's  
30 business.

31 (B) The dealer is delivering the firearm to himself or herself  
32 and it is not intended as merchandise in his or her business.

33 (2) In order for this subdivision to apply, both of the following  
34 shall occur:

35 (A) If the dealer is receiving the firearm from another dealer,  
36 the dealer receiving the firearm shall present proof to the dealer  
37 delivering the firearm that he or she is licensed pursuant to  
38 Section 12071 by complying with paragraph (1) of subdivision  
39 (f) of Section 12072.

(B) Whether the dealer is delivering, selling, or transferring the firearm to himself or herself or to another dealer, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077.

(o) Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5, and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or legal guardian of the minor, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(2) Paragraph (3) of subdivision (a) of Section 12072, subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by a person who is not the parent or legal guardian of the minor if all of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian that is presented at the time of, or prior to the time of, the loan, or is accompanied by his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video



1 production, or entertainment or theatrical event, the nature of  
2 which involves the use of a firearm.

3 (C) The duration of the loan does not exceed the amount of  
4 time that is reasonably necessary to engage in the lawful,  
5 recreational sport, including, but not limited to, competitive  
6 shooting, or agricultural, ranching, or hunting activity, or a  
7 motion picture, television, or video production, or entertainment  
8 or theatrical event, the nature of which involves the use of a  
9 firearm.

10 (D) The duration of the loan does not, in any event, exceed 10  
11 days.

12 (3) Paragraph (3) of subdivision (a), and subdivision (d), of  
13 Section 12072, and subdivision (b) of Section 12801 shall not  
14 apply to the loan of a handgun to a minor by his or her parent or  
15 legal guardian if both of the following circumstances exist:

16 (A) The minor is being loaned the firearm for the purposes of  
17 engaging in a lawful, recreational sport, including, but not  
18 limited to, competitive shooting, or agricultural, ranching, or  
19 hunting activity, or a motion picture, television, or video  
20 production, or entertainment or theatrical event, the nature of  
21 which involves the use of a firearm.

22 (B) The duration of the loan does not exceed the amount of  
23 time that is reasonably necessary to engage in the lawful,  
24 recreational sport, including, but not limited to, competitive  
25 shooting, or agricultural, ranching, or hunting activity, or a  
26 motion picture, television, or video production, or entertainment  
27 or theatrical event, the nature of which involves the use of a  
28 firearm.

29 (4) Paragraph (3) of subdivision (a), and subdivision (d), of  
30 Section 12072 shall not apply to the transfer or loan of a firearm  
31 that is not a handgun to a minor by his or her parent or legal  
32 guardian.

33 (5) Paragraph (3) of subdivision (a), and subdivision (d), of  
34 Section 12072 shall not apply to the transfer or loan of a firearm  
35 that is not a handgun to a minor by his or her grandparent who is  
36 not the legal guardian of the minor if the transfer is done with the  
37 express permission of the parent or legal guardian of the minor.

38 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of  
39 Section 12072 shall not apply to the sale of a handgun if both of  
40 the following requirements are satisfied:

1 (A) The sale is to a person who is at least 18 years of age.

2 (B) The firearm is an antique firearm as defined in paragraph  
3 (16) of subsection (a) of Section 921 of Title 18 of the United  
4 States Code.

5 (q) Subdivision (d) of Section 12072 shall not apply to the  
6 loan of a firearm that is not a handgun to a licensed hunter for  
7 use by that licensed hunter for a period of time not to exceed the  
8 duration of the hunting season for which that firearm is to be  
9 used.

10 (r) The waiting period described in Section 12071.2, 12072, or  
11 12084 shall not apply to the delivery, sale, or transfer of a  
12 firearm to the holder of a special weapons permit issued by the  
13 Department of Justice issued pursuant to Section 12095, 12230,  
14 12250, or 12305. On the date that the application to purchase is  
15 completed, the dealer delivering the firearm or the law  
16 enforcement agency processing the transaction pursuant to  
17 Section 12084, shall forward by prepaid mail to the Department  
18 of Justice a report of the same as described in subdivision (b) or  
19 (c) of Section 12077 or Section 12084. If the electronic or  
20 telephonic transfer of applicant information is used, on the date  
21 that the application to purchase is completed, the dealer  
22 delivering the firearm shall transmit to the Department of Justice  
23 an electronic or telephonic report of the same as is indicated in  
24 subdivision (b) or (c) of Section 12077.

25 (s) (1) Subdivision (d) of Section 12072 and subdivision (b)  
26 of Section 12801 shall not apply to the infrequent loan of an  
27 unloaded firearm by a person who is neither a dealer as defined  
28 in Section 12071 nor a federal firearms licensee pursuant to  
29 Chapter 44 of Title 18 of the United States Code, to a person 18  
30 years of age or older for use solely as a prop in a motion picture,  
31 television, video, theatrical, or other entertainment production or  
32 event.

33 (2) Subdivision (d), and paragraph (1) of subdivision (f), of  
34 Section 12072, and subdivision (b) of Section 12801 shall not  
35 apply to the loan of an unloaded firearm by a person who is not a  
36 dealer as defined in Section 12071 but who is a federal firearms  
37 licensee pursuant to Chapter 44 of Title 18 of the United States  
38 Code, to a person who possesses a valid entertainment firearms  
39 permit issued pursuant to Section 12081, for use solely as a prop  
40 in a motion picture, television, video, theatrical, or other

1 entertainment production or event. The person loaning the  
2 firearm pursuant to this paragraph shall retain a photocopy of the  
3 entertainment firearms permit as proof of compliance with this  
4 requirement.

5 (3) Sections 12071.1, 12071.2, 12071.3, 12071.5, subdivision  
6 (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and  
7 subdivision (b) of Section 12801 shall not apply to the loan of an  
8 unloaded firearm by a dealer as defined in Section 12071, to a  
9 person who possesses a valid entertainment firearms permit  
10 issued pursuant to Section 12081, for use solely as a prop in a  
11 motion picture, television, video, theatrical, or other  
12 entertainment production or event. The dealer shall retain a  
13 photocopy of the entertainment firearms permit as proof of  
14 compliance with this requirement.

15 (t) (1) The waiting period described in ~~Section~~ Sections  
16 12071.2, 12072, and 12084 shall not apply to the sale, delivery,  
17 loan, or transfer of a firearm that is a curio or relic, as defined in  
18 Section 478.11 of Title 27 of the Code of Federal Regulations, or  
19 its successor, by a dealer or through a law enforcement agency to  
20 a person who is licensed as a collector pursuant to Chapter 44  
21 (commencing with Section 921) of Title 18 of the United States  
22 Code and the regulations issued pursuant thereto who has a  
23 current certificate of eligibility issued to him or her by the  
24 Department of Justice pursuant to Section 12071. On the date  
25 that the delivery, sale, or transfer is made, the dealer delivering  
26 the firearm or the law enforcement agency processing the  
27 transaction pursuant to Section 12084, shall forward by prepaid  
28 mail to the Department of Justice a report of the transaction  
29 pursuant to subdivision (b) of Section 12077 or Section 12084. If  
30 the electronic or telephonic transfer of applicant information is  
31 used, on the date that the application to purchase is completed,  
32 the dealer delivering the firearm shall transmit to the Department  
33 of Justice an electronic or telephonic report of the transaction as  
34 is indicated in subdivision (b) or (c) of Section 12077.

35 (2) Subdivision (d) of Section 12072 shall not apply to the  
36 infrequent sale, loan, or transfer of a firearm that is not a  
37 handgun, which is a curio or relic manufactured at least 50 years  
38 prior to the current date, but not including replicas thereof, as  
39 defined in Section 478.11 of Title 27 of the Code of Federal  
40 Regulations, or its successor.

1 (u) As used in this section:

2 (1) “Infrequent” has the same meaning as in paragraph (1) of  
3 subdivision (c) of Section 12070.

4 (2) “A person taking title or possession of firearms by  
5 operation of law” includes, but is not limited to, any of the  
6 following instances wherein an individual receives title to, or  
7 possession of, firearms:

8 (A) The executor or administrator of an estate if the estate  
9 includes firearms.

10 (B) A secured creditor or an agent or employee thereof when  
11 the firearms are possessed as collateral for, or as a result of, a  
12 default under a security agreement under the Commercial Code.

13 (C) A levying officer, as defined in Section 481.140, 511.060,  
14 or 680.260 of the Code of Civil Procedure.

15 (D) A receiver performing his or her functions as a receiver if  
16 the receivership estate includes firearms.

17 (E) A trustee in bankruptcy performing his or her duties if the  
18 bankruptcy estate includes firearms.

19 (F) An assignee for the benefit of creditors performing his or  
20 her functions as an assignee, if the assignment includes firearms.

21 (G) A transmutation of property consisting of firearms  
22 pursuant to Section 850 of the Family Code.

23 (H) Firearms passing to a surviving spouse pursuant to  
24 Chapter 1 (commencing with Section 13500) of Part 2 of  
25 Division 8 of the Probate Code.

26 (I) Firearms received by the family of a police officer or  
27 deputy sheriff from a local agency pursuant to Section 50081 of  
28 the Government Code.

29 (J) The transfer of a firearm by a law enforcement agency to  
30 the person who found the firearm where the delivery is to the  
31 person as the finder of the firearm pursuant to Article 1  
32 (commencing with Section 2080) of Chapter 4 of Division 3 of  
33 the Civil Code.

34 SEC. 23. Section 12082 of the Penal Code is amended to  
35 read:

36 12082. (a) A person shall complete any sale, loan, or transfer  
37 of a firearm through a person licensed pursuant to Section 12071  
38 in accordance with this section in order to comply with  
39 subdivision (d) of Section 12072. The seller or transferor or the  
40 person loaning the firearm shall deliver the firearm to the dealer

1 who shall retain possession of that firearm. The dealer shall then  
2 deliver the firearm to the purchaser or transferee or the person  
3 being loaned the firearm, if it is not prohibited, in accordance  
4 with subdivision (c) of Section 12072. If the dealer cannot legally  
5 deliver the firearm to the purchaser or transferee or the person  
6 being loaned the firearm, the dealer shall forthwith, without  
7 waiting for the conclusion of the waiting period described in  
8 Sections 12071.2 and 12072, return the firearm to the transferor  
9 or seller or the person loaning the firearm. The dealer shall not  
10 return the firearm to the seller or transferor or the person loaning  
11 the firearm when to do so would constitute a violation of  
12 subdivision (a) of Section 12072. If the dealer cannot legally  
13 return the firearm to the transferor or seller or the person loaning  
14 the firearm, then the dealer shall forthwith deliver the firearm to  
15 the sheriff of the county or the chief of police or other head of a  
16 municipal police department of any city or city and county who  
17 shall then dispose of the firearm in the manner provided by  
18 Sections 12028 and 12032. The purchaser or transferee or person  
19 being loaned the firearm may be required by the dealer to pay a  
20 fee not to exceed ten dollars (\$10) per firearm, and no other fee  
21 may be charged by the dealer for a sale, loan, or transfer of a  
22 firearm conducted pursuant to this section, except for the  
23 applicable fee that the Department of Justice may charge  
24 pursuant to Section 12076. Nothing in these provisions shall  
25 prevent a dealer from charging a smaller fee. The fee that the  
26 department may charge is the fee that would be applicable  
27 pursuant to Section 12076, if the dealer was selling, transferring,  
28 or delivering a firearm to a purchaser or transferee or person  
29 being loaned a firearm, without any other parties being involved  
30 in the transaction.

31 (b) The Attorney General shall adopt regulations under this  
32 section to do all of the following:

33 (1) Allow the seller or transferor of the person loaning the  
34 firearm, and the purchaser or transferee or the person being  
35 loaned the firearm, to complete a sale, loan, or transfer through a  
36 dealer, and to allow those persons and the dealer to comply with  
37 the requirements of this section and Sections 12071, 12071.1,  
38 12071.2, 12071.3, 12071.5, 12072, 12076, and 12077 and to  
39 preserve the confidentiality of those records.

(2) Where a personal handgun importer is selling or transferring a pistol, revolver, or other firearm capable of being concealed upon the person to comply with clause (ii) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, to allow a personal handgun importer's ownership of the pistol, revolver, or other firearm capable of being concealed upon the person being sold or transferred to be recorded in a manner that if the firearm is returned to that personal handgun importer because the sale or transfer cannot be completed, the Department of Justice will have sufficient information about that personal handgun importer so that a record of his or her ownership can be maintained in the registry provided by subdivision (c) of Section 11106.

(3) Ensure that the register or record of electronic transfer shall state the name and address of the seller or transferor of the firearm or the person loaning the firearm and whether or not the person is a personal handgun importer in addition to any other information required by Section 12077.

(c) Notwithstanding any other provision of law, a dealer who does not sell, transfer, or keep an inventory of handguns is not required to process private party transfers of handguns.

(d) A violation of this section by a dealer is a misdemeanor.

SEC. 24. Section 12084 of the Penal Code is amended to read:

12084. (a) As used in this section, the following definitions apply:

(1) "Agency" means a sheriff's department in a county of less than 200,000 persons, according to the most recent federal decennial census, that elects to process purchases, sales, loans, or transfers of firearms.

(2) "Seller" means the seller or transferor of a firearm or the person loaning the firearm.

(3) "Purchaser" means the purchaser or transferee of a firearm or the person being loaned a firearm.

(4) "Purchase" means the purchase, loan, sale, or transfer of a firearm.

(5) "Department" means the Department of Justice.

(6) "LEFT" means the Law Enforcement Firearms Transfer Form consisting of the transfer form utilized to purchase a firearm in accordance with this section.

1 (b) As an alternative to completing the sale, transfer, or loan of  
2 a firearm through a licensed dealer pursuant to Section 12082,  
3 the parties to the purchase of a firearm may complete the  
4 transaction through an agency in accordance with this section in  
5 order to comply with subdivision (d) of Section 12072.

6 (c) (1) LEFTs shall be prepared by the State Printer and shall  
7 be furnished to agencies on application at a cost to be determined  
8 by the Department of General Services for each 100 leaves in  
9 quintuplicate, one original and four duplicates for the making of  
10 carbon copies. The original and duplicate copies shall differ in  
11 color, and shall be in the form provided by this section. The State  
12 Printer, upon issuing the LEFT, shall forward to the department  
13 the name and address of the agency together with the series and  
14 sheet numbers on the LEFT. The LEFT shall not be transferable.

15 (2) The department shall prescribe the form of the LEFT. It  
16 shall be in the same exact format set forth in Sections 12077 and  
17 12082, with the same distinct formats for firearms that are  
18 pistols, revolvers, and other firearms capable of being concealed  
19 upon the person and for firearms that are not pistols, revolvers,  
20 and other firearms capable of being concealed upon the person,  
21 except that, instead of the listing of information concerning a  
22 dealer, the LEFT shall contain the name, telephone number, and  
23 address of the law enforcement agency.

24 (3) The original of each LEFT shall be retained in consecutive  
25 order. Each book of 50 originals shall become the permanent  
26 record of transactions that shall be retained not less than three  
27 years from the date of the last transaction and shall be provided  
28 for the inspection of any peace officer, department employee  
29 designated by the Attorney General, or agent of the federal  
30 Bureau of Alcohol, Tobacco—~~and Firearms~~, *Firearms, and*  
31 *Explosives* upon the presentation of proper identification.

32 (4) Ink shall be used to complete each LEFT. The agency shall  
33 ensure that all information is provided legibly. The purchaser and  
34 seller shall be informed that incomplete or illegible information  
35 delays purchases.

36 (5) Each original LEFT shall contain instructions regarding the  
37 procedure for completion of the form and the routing of the form.  
38 The agency shall comply with these instructions which shall  
39 include the information set forth in this subdivision.

(6) One firearm transaction shall be reported on each LEFT. For purposes of this paragraph, a “transaction” means a single sale, loan, or transfer of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person between the same two persons.

(d) The following procedures shall be followed in processing the purchase:

(1) Without waiting for the conclusion of any waiting period to elapse, the seller shall immediately deliver the firearm to the agency solely to complete the LEFT. Upon completion of the LEFT, the firearm shall be immediately returned by the agency to the seller without waiting for the waiting period to elapse.

(2) The purchaser shall be required to present clear evidence of his or her identity and age, as defined in Section 12071.2, to the agency. The agency shall require the purchaser to complete the original and one copy of the LEFT. An employee of the agency shall then affix his or her signature as a witness to the signature and identification of the purchaser.

(3) Two copies of the LEFT shall, on that date of purchase, be placed in the mail, postage prepaid to the department at Sacramento. The third copy shall be provided to the purchaser and the fourth copy to the seller.

(4) The department shall examine its records, as well as those records that it is authorized to request from the State Department of Mental Health pursuant to Section 8104 of the Welfare and Institutions Code, in order to determine if the purchaser is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(5) If the department determines that the copies of the LEFT submitted to it pursuant to paragraph (3) contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the firearm to be purchased, or if any fee required pursuant to paragraph (6) is not submitted by the agency in conjunction with submission of the copies of the LEFT, or if the department determines that the person is a person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the agency of that fact. Upon notification by the department, the purchaser shall submit any fee required pursuant to paragraph (6), as appropriate, and, if



1 notification by the department is received by the agency at any  
2 time prior to delivery of the firearm, the delivery of the firearm  
3 shall be withheld until the conclusion of the waiting period  
4 described in paragraph (7).

5 (6) (A) The agency may charge a fee, not to exceed actual  
6 cost, sufficient to reimburse the agency for processing the  
7 transfer.

8 (B) The department may charge a fee, not to exceed actual  
9 cost, sufficient to reimburse the department for providing the  
10 information. The department shall charge the same fee that it  
11 would charge a dealer pursuant to Section 12082.

12 (7) The firearm shall not be delivered to the purchaser as  
13 follows:

14 (A) Prior to April 1, 1997, within 15 days of the application to  
15 purchase a pistol, revolver, or other firearm capable of being  
16 concealed upon the person, or, after notice by the department  
17 pursuant to paragraph (5), within 15 days of the submission to  
18 the department of any fees required pursuant to this subdivision,  
19 or within 15 days of the submission to the department of any  
20 correction to the LEFT, whichever is later. Prior to April 1, 1997,  
21 within 10 days of the application to purchase any firearm that is  
22 not a pistol, revolver, or other firearm capable of being concealed  
23 upon the person, or, after notice by the department pursuant to  
24 paragraph (5), within 10 days of the submission to the  
25 department of any fees required pursuant to this subdivision, or  
26 within 10 days of the submission to the department of any  
27 correction to the LEFT, whichever is later. On and after April 1,  
28 1997, within 10 days of the application to purchase, or after  
29 notice by the department pursuant to paragraph (5), within 10  
30 days of the submission to the department of any fees required  
31 pursuant to this subdivision, or within 10 days of the submission  
32 to the department of any correction to the LEFT, whichever is  
33 later.

34 (B) Unless unloaded.

35 (C) In the case of a pistol, revolver, or other firearm capable of  
36 being concealed upon the person, unless securely wrapped or in a  
37 locked container.

38 (D) Unless the purchaser presents clear evidence of his or her  
39 identity and age to the agency.

1 (E) Whenever the agency is notified by the department that the  
2 person is in a prohibited class described in Section 12021 or  
3 12021.1 *of this code*, or Section 8100 or 8103 of the Welfare and  
4 Institutions Code.

5 (F) Unless done at the agency's premises.

6 (G) In the case of a handgun, commencing April 1, 1994, and  
7 until January 1, 2003, unless the purchaser presents to the seller a  
8 basic firearms safety certificate. Commencing January 1, 2003, in  
9 the case of a handgun, unless the purchaser presents to the seller  
10 a handgun safety certificate.

11 (H) Unless the purchaser is at least 18 years of age.

12 (e) The action of a law enforcement agency acting pursuant to  
13 Section 12084 shall be deemed to be a discretionary act within  
14 the meaning of the California Tort Claims Act pursuant to  
15 Division 3.6 (commencing with Section 810) of Title 1 of the  
16 Government Code.

17 (f) Whenever the Department of Justice acts pursuant to this  
18 section as it pertains to firearms other than pistols, revolvers, or  
19 other firearms capable of being concealed upon the person, its  
20 acts or omissions shall be deemed to be discretionary within the  
21 meaning of the California Tort Claims Act pursuant to Division  
22 3.6 (commencing with Section 810) of Title 1 of the Government  
23 Code.

24 (g) Any person furnishing a fictitious name or address or  
25 knowingly furnishing any incorrect information or knowingly  
26 omitting any information required to be provided for the LEFT is  
27 guilty of a misdemeanor.

28 (h) All sums received by the department pursuant to this  
29 section shall be deposited in the Dealers' Record of Sale Special  
30 Account of the General Fund.

31 SEC. 25. Section 12086 of the Penal Code is amended to  
32 read:

33 12086. (a) (1) As used in this section, "licensee" means a  
34 person, firm, or corporation that satisfies both of the following:

35 (A) Has a license issued pursuant to paragraph (2) of  
36 subdivision (b).

37 (B) Is among those recorded in the centralized list specified in  
38 subdivision (f).

39 (2) As used in this section, "department" means the  
40 Department of Justice.

1 (b) (1) The Department of Justice shall accept applications  
2 for, and shall grant licenses permitting, the manufacture of  
3 firearms within this state. The department shall inform applicants  
4 who are denied licenses of the reasons for the denial in writing.

5 (2) No license shall be granted by the department unless and  
6 until the applicant presents proof that he or she has all of the  
7 following:

8 (A) A valid license to manufacture firearms issued pursuant to  
9 Chapter 44 (commencing with Section 921) of Title 18 of the  
10 United States Code.

11 (B) Any regulatory or business license, or licenses, required  
12 by local government.

13 (C) A valid seller's permit or resale certificate issued by the  
14 State Board of Equalization, if applicable.

15 (D) A certificate of eligibility issued by the Department of  
16 Justice pursuant to Section 12071.

17 (3) The department shall adopt regulations to administer this  
18 section and Section 12085 and shall recover the full costs of  
19 administering the program by collecting fees from license  
20 applicants. Recoverable costs shall include, but not be limited to,  
21 the costs of inspections and maintaining a centralized list of  
22 licensed firearm manufacturers. The fee for licensed  
23 manufacturers who produce fewer than 500 firearms in a  
24 calendar year within this state shall not exceed two hundred fifty  
25 dollars (\$250) per year or the actual costs of inspections and  
26 maintaining a centralized list of firearm manufacturers and any  
27 other duties of the department required pursuant to this section  
28 and Section 12085, whichever is less.

29 (4) A license granted by the department shall be valid for no  
30 more than one year from the date of issuance and shall be in the  
31 form prescribed by the Attorney General.

32 (c) A licensee shall comply with the following prohibitions  
33 and requirements:

34 (1) The business shall be conducted only in the buildings  
35 designated in the license.

36 (2) The license or a copy thereof, certified by the department,  
37 shall be displayed on the premises where it can easily be seen.

38 (3) Whenever a licensee discovers that a firearm has been  
39 stolen or is missing from the licensee's premises, the licensee

1 shall report the loss or theft within 48 hours of the discovery to  
2 all of the following:

3 (A) The Department of Justice, in a manner prescribed by the  
4 department.

5 (B) The federal Bureau of Alcohol, Tobacco, ~~and Firearms~~  
6 *Firearms, and Explosives*.

7 (C) The police department in the city or city and county where  
8 the building designated in the license is located.

9 (D) If there is no police department in the city or city and  
10 county where the building designated in the license is located, the  
11 sheriff of the county where the building designated in the license  
12 is located.

13 (4) (A) The licensee shall require that each employee obtain a  
14 certificate of eligibility pursuant to Section 12071, which shall be  
15 renewed annually, prior to being allowed to come into contact  
16 with any firearm.

17 (B) The licensee shall prohibit any employee who the licensee  
18 knows or reasonably should know is within a class of persons  
19 prohibited from possessing firearms pursuant to Section 12021 or  
20 12021.1 of this code, or Section 8100 or 8103 of the Welfare and  
21 Institutions Code, from coming into contact with any firearm.

22 (5) (A) Each firearm the licensee manufactures in this state  
23 shall be identified with a unique serial number stamped onto the  
24 firearm utilizing the method of compression stamping.

25 (B) Licensed manufacturers who produce fewer than 500  
26 firearms in a calendar year within this state may serialize long  
27 guns only by utilizing a method of compression stamping or by  
28 engraving the serial number onto the firearm.

29 (C) The licensee shall stamp the serial number onto the  
30 firearm within one business day of the time the receiver or frame  
31 is manufactured.

32 (D) The licensee shall not use the same serial number for more  
33 than one firearm.

34 (6) (A) The licensee shall record the type, model, caliber, or  
35 gauge, and serial number of each firearm manufactured or  
36 acquired, and the date of the manufacture or acquisition, within  
37 one business day of the manufacture or acquisition.

38 (B) The licensee shall maintain permanently within the  
39 building designated in the license the records required pursuant  
40 to subparagraph (A).

1 (C) Backup copies of the records described in subparagraph  
2 (A), whether electronic or hard copy, shall be made at least once  
3 a month. These backup records shall be maintained in a facility  
4 separate from the one in which the primary records are stored.

5 (7) (A) The licensee shall allow the department to inspect the  
6 building designated in the license to ensure compliance with the  
7 requirements of this section.

8 (B) The licensee shall allow any peace officer, authorized law  
9 enforcement employee, or Department of Justice employee  
10 designated by the Attorney General, upon the presentation of  
11 proper identification, to inspect facilities and records during  
12 business hours to ensure compliance with the requirements of  
13 this section.

14 (8) The licensee shall store in a secure facility all firearms  
15 manufactured and all barrels for firearms manufactured.

16 (9) (A) The licensee shall notify the chief of police or other  
17 head of the municipal police department in the city or city and  
18 county where the building designated in the license is located  
19 that the licensee is manufacturing firearms within that city or city  
20 and county and the location of the licensed premises.

21 (B) If there is no police department in the city or city and  
22 county where the building designated in the license is located, the  
23 licensee shall notify the sheriff of the county where the building  
24 designated in the license is located that the licensee is  
25 manufacturing firearms within that county and the location of the  
26 licensed premises.

27 (10) For at least 10 years, the licensee shall maintain records  
28 of all firearms that are lost or stolen, as prescribed by the  
29 department.

30 (d) Except as otherwise provided in subdivision (e), as used in  
31 this section, a “secure facility” means that the facility satisfies all  
32 of the following:

33 (1) The facility is equipped with a burglar alarm with central  
34 monitoring.

35 (2) All perimeter entries to areas in which firearms are stored  
36 other than doors, including windows and skylights, are secured  
37 with steel window guards or an audible, silent, or sonic alarm to  
38 detect entry.

39 (3) All perimeter doorways are designed in one of the  
40 following ways:

1 (A) A windowless steel security door equipped with both a  
2 deadbolt and a doorknob lock.

3 (B) A windowed metal door equipped with both a deadbolt  
4 and a doorknob lock. If the window has an opening of five inches  
5 or more measured in any direction, the window is covered with  
6 steel bars of at least 1/2-inch diameter or metal grating of at least  
7 nine gauge affixed to the exterior or interior of the door.

8 (C) A metal grate that is padlocked and affixed to the  
9 licensee's premises independent of the door and doorframe.

10 (D) Hinges and hasps attached to doors by welding, riveting,  
11 or bolting with nuts on the inside of the door.

12 (E) Hinges and hasps installed so that they cannot be removed  
13 when the doors are closed and locked.

14 (4) Heating, ventilating, air-conditioning, and service openings  
15 are secured with steel bars, metal grating, or an alarm system.

16 (5) No perimeter metal grates are capable of being entered by  
17 any person.

18 (6) Steel bars used to satisfy the requirements of this  
19 subdivision are not capable of being entered by any person.

20 (7) Perimeter walls of rooms in which firearms are stored are  
21 constructed of concrete or at least 10-gauge expanded steel wire  
22 mesh utilized along with typical wood frame and drywall  
23 construction. If firearms are not stored in a vault, the facility shall  
24 use an exterior security-type door along with a high security,  
25 single-key deadbolt, or other door that is more secure. All  
26 firearms shall be stored in a separate room away from any  
27 general living area or work area. Any door to the storage facility  
28 shall be locked while unattended.

29 (8) Perimeter doorways, including the loading dock area, are  
30 locked at all times when not attended by paid employees or  
31 contracted employees, including security guards.

32 (9) Except when a firearm is currently being tested, any  
33 ammunition on the premises is removed from all manufactured  
34 guns and stored in a separate and locked room, cabinet, or box  
35 away from the storage area for the firearms. Ammunition may be  
36 stored with a weapon only in a locked safe.

37 (e) For purposes of this section, any licensed manufacturer  
38 who produces fewer than 500 firearms in a calendar year within  
39 this state may maintain a "secure facility" by complying with all  
40 of the requirements described in subdivision (d), or may design a

1 security plan that is approved by the Department of Justice or the  
2 federal Bureau of Alcohol, Tobacco, ~~and Firearms~~ *Firearms, and*  
3 *Explosives*.

4 (1) If a security plan is approved by the federal Bureau of  
5 Alcohol, Tobacco, ~~and Firearms~~ *Firearms, and Explosives*, the  
6 approved plan, along with proof of approval, shall be filed with  
7 the Department of Justice and the local police department. If  
8 there is no police department, the filing shall be with the county  
9 sheriff's office.

10 (2) If a security plan is approved by the Department of Justice,  
11 the approved plan, along with proof of approval, shall be filed  
12 with the local police department. If there is no police department,  
13 the filing shall be with the county sheriff's office.

14 (f) (1) Except as otherwise provided in this subdivision, the  
15 Department of Justice shall maintain a centralized list of all  
16 persons licensed pursuant to paragraph (2) of subdivision (b).  
17 The centralized list shall be provided annually to each police  
18 department and county sheriff within the state.

19 (2) Except as provided in paragraph (3), the license of any  
20 licensee who violates this section may be revoked.

21 (3) The license of any licensee who knowingly or with gross  
22 negligence violates this section or violates this section three  
23 times shall be revoked, and that person, firm, or corporation shall  
24 become permanently ineligible to obtain a license pursuant to this  
25 section.

26 (g) (1) Upon the revocation of the license, notification shall  
27 be provided to local law enforcement authorities in the  
28 jurisdiction where the licensee's business is located and to the  
29 federal Bureau of Alcohol, Tobacco, ~~and Firearms~~ *Firearms, and*  
30 *Explosives*.

31 (2) The department shall make information concerning the  
32 location and name of a licensee available, upon request, for the  
33 following purposes only:

34 (A) Law enforcement.

35 (B) When the information is requested by a person licensed  
36 pursuant to Chapter 44 (commencing with Section 921) of Title  
37 18 of the United States Code for determining the validity of the  
38 license for firearm shipments.

(3) Notwithstanding paragraph (2), the department shall make the name and business address of a licensee available to any person upon written request.

(h) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to paragraph (3) of subdivision (b), the number of licensees removed from the centralized list described in subdivision (f), and the number of licensees found to have violated this section.

SEC. 26. Section 12804 of the Penal Code is amended to read:

12804. (a) (1) The department shall develop an instruction manual in English and in Spanish by October 1, 2002. The department shall make the instructional manual available to firearms dealers licensed pursuant to Section 12071, who shall make it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.

(2) ~~Any firearms sales contracts contained in the~~ *The* instruction manual shall have conspicuously printed on the first page, the following warning:

“Warning: The State of California has determined that guns in the home are much more likely to be used to kill or injure a household member than to protect against an attacker. It is safest not to keep a gun in the home. If a gun is kept in the home, it should be kept unloaded and securely locked, with the ammunition locked up separately.”

(b) The department shall develop audiovisual materials in English and in Spanish by March 1, 2003, to be issued to instructors certified by the department.

(c) (1) The department shall develop a written objective test, in English and in Spanish, and prescribe its content, form, and manner, to be administered by an instructor certified by the department. If the person taking the test is unable to read, the examination shall be administered orally. The test shall cover, but not be limited to, all of the following:

(A) The laws applicable to carrying and handling firearms, particularly handguns.

(B) The responsibilities of ownership of firearms, particularly handguns.



1 (C) Current law as it relates to the private sale and transfer of  
2 firearms.

3 (D) Current law as it relates to the permissible use of lethal  
4 force.

5 (E) What constitutes safe firearm storage.

6 (F) Issues associated with bringing a handgun into the home.

7 (G) Prevention strategies to address issues associated with  
8 bringing firearms into the home.

9 (2) If the person taking the test is unable to read English or  
10 Spanish, the test may be applied orally by a translator.

11 (d) The department shall prescribe a minimum level of skill,  
12 knowledge and competency to be required of all handgun safety  
13 certificate instructors.

14 (e) If a dealer licensed pursuant to Section 12071 or his or her  
15 employee, or where the managing officer or partner is certified as  
16 an instructor pursuant to this article, he or she shall also  
17 designate a separate room or partitioned area for a person to take  
18 the objective test, and maintain adequate supervision to assure  
19 that no acts of collusion occur while the objective test is being  
20 administered.

21 (f) The department shall solicit input from any reputable  
22 association or organization, including any law enforcement  
23 association that has as one of its objectives the promotion of  
24 firearms safety, in the development of the handgun safety  
25 certificate instructional materials.

26 (g) The department shall develop handgun safety certificates  
27 to be issued by instructors certified by the department, to those  
28 persons who have complied with this article.

29 (h) The department shall be immune from any liability arising  
30 from implementing this section.

31 (i) The department shall update test materials related to this  
32 article every five years.

33 (j) Department Certified Instructor applicants shall have a  
34 certification to provide training from one of the following  
35 organizations as specified, or any entity found by the department  
36 to give comparable instruction in firearms safety, or the applicant  
37 shall have similar or equivalent training to that provided by the  
38 following, as determined by the department:

39 (1) Department of Consumer Affairs, State of  
40 California-Firearm Training Instructor.

- 1 (2) Director of Civilian Marksmanship, Instructor or
- 2 Rangemaster.
- 3 (3) Federal Government, Certified Rangemaster or Firearm
- 4 Instructor.
- 5 (4) Federal Law Enforcement Training Center, Firearm
- 6 Instructor Training Program or Rangemaster.
- 7 (5) United States Military, Military Occupational Specialty
- 8 (MOS) as marksmanship or firearms instructor. Assignment as
- 9 Range Officer or Safety Officer ~~are~~ *is* not sufficient.
- 10 (6) National Rifle Association-Certified Instructor, Law
- 11 Enforcement Instructor, Rangemaster, or Training Counselor.
- 12 (7) Commission on Peace Officer Standards and Training
- 13 (POST), State of California-Firearm Instructor or Rangemaster.
- 14 (8) Authorization from a State of California accredited school
- 15 to teach a firearm training course.